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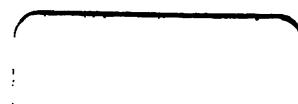
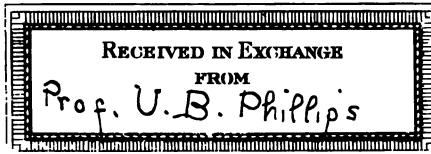
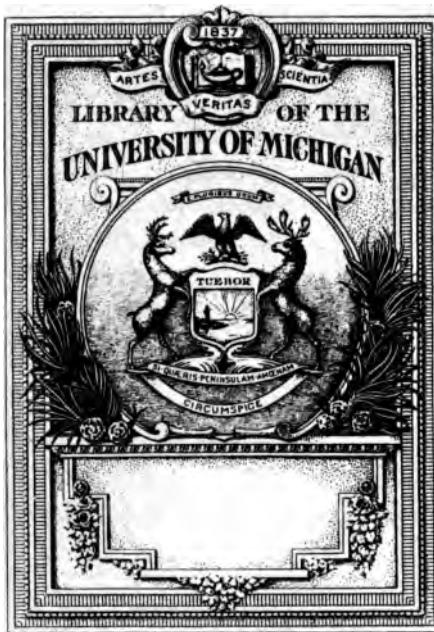
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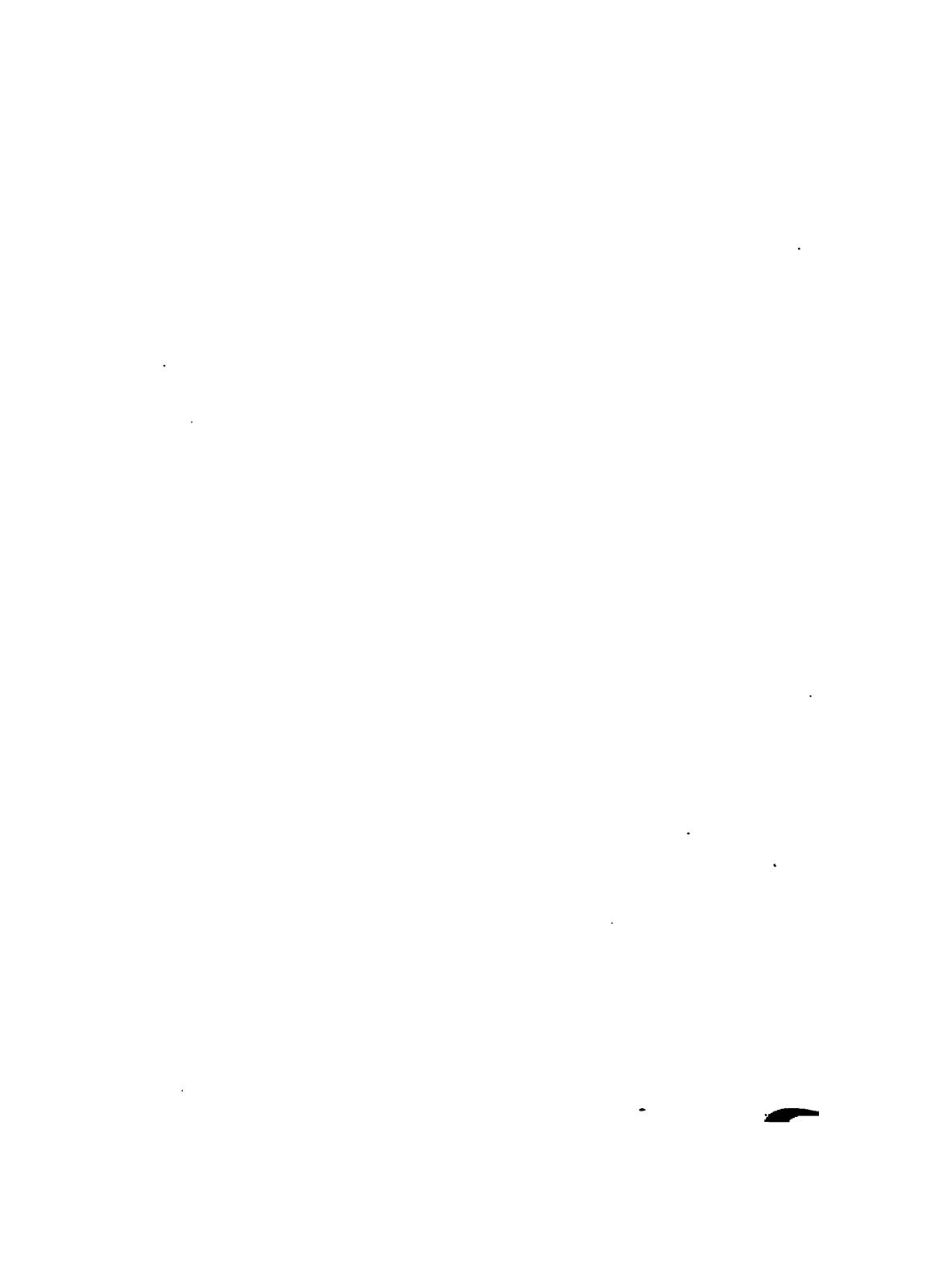
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L E A V E S

F R O M

A LAWYER'S LIFE

AFLOAT AND ASHORE.

BY CHARLES COWLEY,

JUDGE - ADVOCATE, S. A. B. SQUADRON,

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LOWELL, MASS.

PUBLISHED BY PENHALLOW PRINTING COMPANY.

BOSTON—LEE & SHEPARD.

1879.

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PREFACE.

It was my custom, while on the Staff of Admiral Dahlgren, to note briefly, from time to time, incidents that took place in the Squadron under his command. I also carefully noted the events that had taken place in that Squadron in Admiral Dupont's time, as they were related to me by those who had been eye-witnesses thereto. Since my return to civil life, it has been my custom to examine the successive histories of the late War that have appeared, and to note their errors and their excellencies, in relation to the South Atlantic Blockading Squadron, and in relation to the Department of the South, which cooperated with that Squadron.

These pages will show how little attention, comparatively, most of our historians have bestowed upon the naval and military forces whose services, sufferings and sacrifices are here passed in review.

The mingling of narrative and criticism has its advantages as well as its disadvantages. In the present case, I indulge the hope that it may have the effect to secure to the South Atlantic Blockading Squadron its proper place in the history of the War.

PREFACE.

Without concealing my personal predilection for the Cause of the Union, I have sought to treat the Lost Cause with entire candor.

Though I am not prepared to say, with General William F. Bartlett, that "I am as proud of the men who charged so bravely with Pickett's Division on our lines at Gettysburg, as I am of the men who so bravely met and repulsed them there;" I am prepared to say with him, that, notwithstanding the great and widespread demoralization which attended it, "the War developed and proved, on both sides, the noblest qualities of American manhood. It has left us soldiers and sailors, once foes, now friends, a memory of hard-fought fields, of fearful sacrifices, and of heroic valor."

Since these pages were in type, the pardon of Captain Small, which was foreshadowed on page 54, has become an accomplished fact.

I learned, long ago, that it was Senator Wade, and not General Hawley, who made the *faux pas* at the Navy Department, recorded on page 124; but failed, by inadvertence, to make the proper correction until that page had been printed.

CHARLES COWLEY.

LOWELL, MASS., 1879.

“History is false to her trust when she betrays the cause of truth, even under the influence of patriotic impulses. It is not true that all the virtue was in the Whig camp [during the Revolution,] or that the Tories were a horde of ruffians. They were conservatives, and their error was in carrying to excess the sentiment of loyalty [to their King, just as the error of the Confederates lay in carrying to excess the sentiment of loyalty to the State,] which is founded in virtue. Their constancy embittered the contest. Their cause deserved to fail; but their sufferings are entitled to respect. Prejudice has blackened their name; but history will speak of them as they were, with their failings and their virtues.”—JAMES L. PETTIGRU.

“We have, we can have, no barbarian memory of wrongs, for which brave men have made the last expiation to the brave.”—RUFUS CHOATE.

“And the men who, for conscience’ sake, fought against their government at Gettysbnrg, ought easily to be forgiven by the sons of men who, for conscience’ sake, fought against their government at Lexington and Bunker Hill.”—WILLIAM F. BARTLETT.

LEAVES FROM A LAWYER'S LIFE AFLOAT AND ASHORE.

CHAPTER I.

Blockades—Steam Navies—The Southern Blockade—Our Blockading Squadrons—Compte de Paris—The Steamer Iroquois in Chase of the R. E. Lee.

Blockades are of two kinds—military and commercial. Military blockades have been practiced from the earliest times; they are merely the naval equivalent of sieges by land—having for their object the capture of the ports invested. Commercial blockades have for their principal object the crippling of the enemy by stopping his imports, and by isolating him from the commercial world.

So long as commerce was held in contempt, as it was in all the great monarchies and republics of antiquity, there was no occasion for

this form of warfare. It was not until the exploits of Vasco de Gama and Columbus had opened the great routes, as well as the great commodities, of modern commerce, that the Dutch Provinces of Spain, in their grand struggle for independence, struck a powerful blow at their truculent foe by establishing the first commercial blockade—that of the Scheldt.

The blockade which the United States enforced against the ports of the Southern Confederacy, was peculiar. It combined the objects of a military, with those of a commercial blockade : and our Supreme Court recognized it as possessing a two-fold character—as valid by municipal law, and as sanctioned by international law.

Had the Federal leaders thoroughly comprehended the difficulties and complexities and the enormous magnitude of the work of blockading the three thousand miles of coast between the Potomac and the Rio Grande, when the Executive Proclamation of Blockade was issued, on the nineteenth of April, 1861, the hand of President Lincoln might have been stayed. Of all the great blockades in European history, the only one that can be compared with the Federal blockade of the South, was that which was enforced by Great Britain against France

and her allies—with one brief intermission—from the time of the Revolution to the fall of Napoleon.*

The power which chiefly made the Federal blockade so effective—the power without which indeed the Civil War might have had a different termination—was that of STEAM.

The power of steam, which enabled the Federal government to transfer a vast army, in one week, from the seaboard of the Atlantic to the valley of the Mississippi,—the power of steam, of which the South was substantially deprived, when, one by one, its interior lines were cut by the Federal forces, and especially when Sherman disabled all the railroads from Atlanta to the Sea,—this power, and this alone, enabled the Federal Navy to post its pickets at the mouth of every harbor, river, inlet, sound or bay, from Maryland to Mexico; to arrest all operations of commerce, substantially, save with two obscure ports; to recover all the Sea Islands from North Edisto to Tybee; to make similar conquests on the coast of North Carolina; to run the batteries on the Mississippi; to plant the Star-Spangled Banner over New

*See Cowley's *Blockades of History*, in Dahlgren's *Maritime International Law*, pp. 137-142: also, *London Quarterly Review*, October, 1876.

Orleans ; and to perform a thousand other feats which, without a Steam Navy, would scarcely have been attempted.

Innumerable coast-line indentations multiplied a thousand fold the difficulties which the vast extent of the Southern seaboard presented to the blockading forces. Every sound, bay, inlet, harbor or estuary from Cape Henry to Matamoras, offered shelter to inward bound craft laden with contraband of war, as well as to cotton-carriers outward bound. Terrible tempests lashed the shores of the Atlantic, and the Gulf coast bristled with reefs and rocks.

The ports of Virginia and North Carolina were naturally the first to receive the attention of the Federal Navy. On the thirtieth of April, notice of the establishment of the blockade at those ports was given by Flag Officer Pendergrast at Hampton Roads, agreeably to the requirements of international law.*

On the eleventh of May, Captain McKean appeared off Charleston in the Steam Frigate Niagara, and gave notice of the blockade of that port, where his movements were watched with curious interest. Having boarded half a

*Our prize courts released such ships as were seized for breach of blockade, without previous notice and warning.

dozen neutral vessels, and ordered them off the whole Southern coast, Captain McKean proceeded to the Gulf, and arrived off Pensacola May 25th.

On the twenty-sixth of May, Captain Poor arrived off Pas a l'Outre in the Steamer Brooklyn, and gave notice of the blockade of the Mississippi. About the same time, Commander Porter arrived in Mobile Bay in the Steamer Powhatan, and gave notice of the blockade of Mobile.

On the twenty-eighth of May, Flag Officer Stringham arrived off Charleston in the Steamer Minnesota, and thenceforth "the Venice of America" and all the ports of South Carolina were under close surveillance for four years.

On the thirty-first of May, the Steamer Union began the blockade of Savannah.

On the seventh of June, Flag Officer Mer-vine reached Key West, and posted his pickets along the West coast of Florida and in the Gulf.

On the second of July, Commander Alden, then commanding the steamer South Carolina, sent in notice of the blockade of Galveston. On the twenty-third of the same month, Flag Officer Stringham sent in notice of the blockade of Appalachicola.

Considering the vast length of this line of pickets, and the fewness of the ships engaged,

the establishment of this blockade seems rather a subject for merriment than for serious consideration. Mr. Welles found only forty-two ships in commission, March 4, 1861; and of these three were in the Mediterranean, seven on the coast of Africa, three in the East Indies, and two in Brazil. Only four ships were then in Northern ports available for service.

At first, men laughed at the attempt of the Secretary of this ludicrously small Navy to blockade a coast measuring 3,549 statute miles, (much of it having a double shore to be guarded,) and containing 189 harbors, river openings, or indentations; but they were soon taught that, as Lord Macaulay had said, "it is not from the laughers alone that the philosophy of history is to be learned."

For, farcical as it seemed at the outset, this blockade soon became a matter of the most serious moment. Three days after the notification of the blockade by Flag Officer Pendergrast, the Federal Navy, small as it was, began to send in its prizes. "The rapid rise in the prices of all imported commodities in the insurgent States presented," as the Count of Paris most justly observed, "the exact measure of the efficiency of the blockade."*

*History of the Civil War, vol. 2, p. 434. The words of the learned and candid Count might lead to the inference

When Congress met, in December, the Secretary of the Navy reported 136 vessels purchased, 34 dismantled vessels repaired and put in commission, and 52 vessels in process of construction ; making a total of 264 ships, 2,557 guns, and 22,000 men.

The vessels engaged in this blockade duty were grouped into two squadrons :—the Atlantic Blockading Squadron, which consisted of 22 vessels, carrying 296 guns and 3,300 men, under Flag Officer Stringham, and which had for its field of operations the whole Atlantic coast from Norfolk to Cape Florida ;—and the Gulf Blockading Squadron, which consisted of 21 vessels, carrying 282 guns, and 3,500 men, under Flag Officer Mervine, and which had for its field the entire Gulf coast from Florida to the Rio Grande.

These squadrons were re-enforced as fast as new ships could be built, or old ships bought and repaired. More than two hundred vessels were built, and more than four hundred purchased during the War ; the latter representing every style of marine architecture—

“From Captain Noah down to Captain Cook.”

that our first prizes were taken after the disaster of Bull Run, July 21, 1861. But the fact is that three prizes were captured as early as April. Thenceforward prizes were taken almost daily until all the great ports of the South were recovered. Lists of all the prizes are appended to Mr. Welles’ Report for 1865

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The number of men in the naval service was rapidly increased from 7,500 to 51,500.

Referring to the officers and seamen in this service, on the page already cited, the Count of Paris, in whose luminous narrative many of our naval operations are more adequately recorded, and more generously applauded, than in some of the works of our own historians, says :—“Their task was the more arduous on account of its extreme monotony. To the watches and fatigues of every kind which the duties of the blockade service involved, there were added difficulties of another character. It was necessary to instruct the newly-recruited crews, to train officers who had been taken from the merchant navy, and to ascertain, under the worst possible circumstances, the good and the bad qualities of merchant vessels too quickly converted into men-of-war. In these junctures, the Federal Navy displayed a perseverance, a devotion, and a knowledge of its profession, which reflect as much honor upon it as its more brilliant feats of arms.”

To make the blockade more effective, the Atlantic Squadron, in September, was divided into two. Flag Officer Goldsborough took command of the North Atlantic, guarding the coasts of Virginia and North Carolina; while Flag

Officer Dupont was assigned to the South Atlantic, guarding the coasts of South Carolina, Georgia and Florida.

The Gulf Squadron was also divided. Flag Officer McKean took command of the East Gulf, from Cape Canaveral to Pensacola ; while Flag Officer Farragut was assigned the command of the West Gulf, from Pensacola to Matamoras.

But before these divisions were fully concluded, Dupont and Farragut severally signalized their accession to their respective commands by capturing the best of the enemy's positions for their own head-quarters,—the one at Port Royal, the other at New Orleans.

Admiral Goldsborough having held the command of the North Atlantic about one year, was relieved by Admiral Lee, who held that command about two years, when Admiral Porter succeeded him. The period of Porter's command was brief, but brilliant, for it was signalized by the bombardment and capture of Fort Fisher, and the recovery of Wilmington and all that remained unredeemed of North Carolina and Virginia.

Admiral Dupont, as will more fully appear hereafter, retained the South Atlantic Squadron till July, 1863, when he was relieved by Admi-

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ral Dahlgren, who hauled down his flag two years later at Washington, when the two Atlantic Squadrons, reduced to a shadow of their former greatness, were united under the command of Admiral Radford.

In the East Gulf, the command fell successively on Admirals Lardner, Bailey and Stribling. Admiral Farragut retained the command of the West Gulf till after the capture of Mobile in 1864; and his successor was Admiral Thatcher, to whose command the East Gulf was added at the close of the war.

Each of these fleets had its own history, (partly recorded, but mostly unrecorded,) its own perils and privations, its own battles and heroes, its own triumphs and trophies, its own griefs and glories. Of each, there remain many honorable recollections, which are fast vanishing into gloom.

A few years more, and the last of us who have survived the perils of this arduous service, will have passed away to be no more seen.

Local tradition may, for a time, preserve, with many a fond exaggeration, and with many a pardonable invention of love or glory, the memory of some of the lesser lights in our naval firmament, and the grander luminaries will shine forever: but, for the rest, little will be

known of them in the next age, unless it has been, or soon is, recorded.

There were, of course, many experiences which were common to all our squadrons—the dreary monotonous routine of man-of-war duty—and especially the incessant watching, the frequent chasing, and occasional capture, of the blockade-runners ; though too often, the chase ended, like all other pursuits of this mortal life, in disappointment and defeat.

No blockade-runner, probably, ever effected her escape after a harder chase than that of the Steamer R. E. Lee, which was chased during the whole of the sixteenth of August, 1863, by the Steamer Iroquois, on leaving Wilmington for Nassau, with a cargo of cotton, having among her passengers Duke Gwinn and his daughter Lucy. The Iroquois was then under the command of Captain Case ; the Lee under that of the famous blockade-runner, Captain John Wilkinson, formerly a Lieutenant in the United States Navy, who tells the story as follows :—

“We passed safely through the blockading fleet off the New Inlet Bar, receiving no damage from the few shots fired at us, and gained an offing from the coast of thirty miles by daylight. By this time our supply of English coal had been exhausted, and we were obliged to commence upon North Carolina coal

of very inferior quality, and which smoked terribly. We commenced on this fuel a little after daylight. Very soon afterwards the vigilant look-out at the mast-head called out 'Sail ho!' and in reply to 'Where away?' from the deck, sang out 'Right astern, sir, and in chase.' The morning was very clear. Going to the mast-head I could just discern the royal of the chaser; and before I left there, say in half an hour, her top-gallant sail showed above the horizon. By this time the sun had risen in a cloudless sky. It was evident our pursuer would be alongside of us by mid-day at the rate we were then going. The first orders given were to throw overboard the deck-load of cotton and to make more steam. The latter proved to be more easily given than executed; the chief engineer reporting that it was impossible to make steam with the wretched stuff filled with slate and dirt. A moderate breeze from the north and east had been blowing ever since daylight and every stitch of canvas on board the square-rigged steamer in our wake was drawing. We were steering east by south, and it was clear that the chaser's advantages could only be neutralized either by bringing the 'Lee' gradually head to wind or edging away to bring the wind aft. The former course would be running towards the land, besides incurring the additional risk of being intercepted and captured by some of the inshore cruisers. I began to edge away therefore, and in two or three hours enjoyed the satisfaction of seeing our pursuer clew up and furl his

sails. The breeze was still blowing as fresh as in the morning, but we were now running directly away from it, and the cruiser was going literally as fast as the wind, causing the sails to be rather a hindrance than a help. But she was still gaining on us. A happy inspiration occurred to me when the case seemed hopeless. Sending for the chief engineer I said 'Mr. S., let us try cotton, saturated with spirits of turpentine.' There were on board, as a part of the deck load, thirty or forty barrels of 'spirits.' In a very few moments, a bale of cotton was ripped open, a barrel tapped, and buckets full of the saturated material passed down into the fire-room. The result exceeded our expectations. The chief engineer, an excitable little Frenchman from Charleston, very soon made his appearance on the bridge, his eyes sparkling with triumph, and reported a full head of steam. Curious to see the effect upon our speed, I directed him to wait a moment until the log was hove. I threw it myself;—nine and a half knots. 'Let her go now sir?' I said. Five minutes afterwards, I hove the log again; *thirteen and a quarter*. We now began to hold our own, and even to gain a little upon the chaser; but she was fearfully near, * * near enough at one time for us to see distinctly the white curl of foam under her bows, called by that name among seamen. I wonder if they could have screwed another turn of speed out of her if they had known that the 'Lee' had no board, in addition to her cargo of cotton, a large amount of gold shipped by the Confed-

erate Government? There continued to be a very slight change in our relative positions till about six o'clock in the afternoon, when the chief engineer again made his appearance, with a very ominous expression of countenance. He came to report that the burnt cotton had choked the flues, and that the steam was running down. 'Only keep her going till dark, sir,' I replied 'and we will give our pursuer the slip yet.' A heavy cloud-bank was lying along the horizon to the south and east; and I saw a possible means of escape. At sunset the chaser was about four miles astern and gaining upon us. Calling two of my most reliable officers, I stationed one of them on each wheel-house, with glasses, directing them to let me know the instant they lost sight of the chaser in the growing darkness. At the same time, I ordered the chief engineer to make as black a smoke as possible, and to be in readiness to cut off the smoke, by closing the dampers instantly, when ordered. The twilight was soon succeeded by darkness. Both of the officers on the wheel-houses called out at the same moment, 'We have lost sight of her,' while a dense volume of smoke was streaming far in our wake. 'Close the dampers,' I called out through the speaking tube, and at the same moment ordered the helm 'hard a starboard.' Our course was altered eight points, at a right angle to the previous one. I remained on deck an hour, and then retired to my state-room with a comfortable sense of security. We had fired so hard that the very planks on the bridge

were almost scorching hot, and my feet were nearly blistered."*

On examining the Log of the Iroquois, I find this entry, repeated, with unvarying monotony, again and again, watch after watch, from morning to night :—

"In chase of a strange Steamer."

A little more steam on the engines of the Iroquois, could it only have been obtained, would have made a fortune for Captain Case, and secured a splendid windfall for every one of his officers and crew.

The Lee ran the blockade no less than twenty-one times under Wilkinson, carried out from 6,000 to 7,000 bales of cotton, worth two millions of dollars in gold, and carried into the Confederacy return cargoes of equal value. But on November 9th, 1863, the first time she attempted to run in under another commander, she was captured by the Steamer James Adger, and sent to Boston as a prize.†

From this notable example,—surpassing in protracted interest anything like it in my own experience,—the reader will learn something of the labor, the care, the fun, the frolic, and the peril, too, of that exciting service.

*Narrative of a Blockade-Runner, pp. 164-166

†*1 Lowell's Decisions*, 36.

CHAPTER II.

First South Atlantic Prizes—Charleston Privateers—Capture of the Savannah, Petrel, and Beaufort—Confederate Steamer Nashville—Mason and Slidell's Mission—Nelson in Chase of Napoleon.

It was my fortune to serve in the South Atlantic Squadron only, seeing no other except as a visitor. My reminiscences will therefore be confined to the South Atlantic Fleet, and to the Military Department of the South, with which that fleet cooperated.

The first prize captured off Charleston was the Ship General Parkhill, which had been warned off May 12, but disregarded the warning, and was taken by the Niagara in attempting afterwards to run the blockade. The following was the notice endorsed on her Log:—

“Boarded May 12th, and ordered off the whole Southern coast of the United States of America, it being blockaded. R. L. MAY,

Lieutenant, U. S. S. Niagara.”

The second of the Charleston prizes was the Schooner Savannah, captured by the Brig Perry, June 3rd. She had been a pilot-boat at Charleston before the War. Her burden was fifty-four tons, and her armament one 18-pounder mounted on a swivel amidships. She was commanded by Thomas H. Baker, of Charleston, and manned by twenty-two men. She had run the blockade of Charleston one day only before her capture, intending to cross the Gulf stream, proceed to Abaco, and then lie off Hole-in-the Wall to capture any vessels of the United States that she could intercept on the voyage to and from Cuba. The next day she fell in, as Mr. Greeley relates, "with the Brig Joseph, of Rockland, Me., laden with sugar from Cardenas, Cuba, for Philadelphia. Setting an American flag in her main rigging, to indicate her wish to speak the stranger, the privateer easily decoyed the Joseph within speaking distance, when he ordered her captain to lower his boat and come on board. This command having been readily obeyed, the merchantman was astounded by the information, fully authenticated by the 18-pounder aforesaid, that he was a prize to the nameless wasp on whose deck he stood, which had unquestionable authority from Mr Jefferson Davis to capture all vessels belong-

ing to loyal citizens of the United States. There was plainly nothing to be said; so the Yankee Skipper said nothing; but was held a prisoner on board his captor, while a prize-crew of eight well-armed men was sent on board the Joseph, directed to take her with her men into Georgetown, S. C.," where she was condemned as prize of war by the Confederate prize court.

When the Savannah, afterwards, on the same day, hove in sight of the Perry, the captain, at once, to follow the quaint narrative of Mr. Greeley, "made all sail directly toward her, expecting, by the easy capture of a second richly laden merchantman, to complete a good day's work, even for June. On nearing her, however, he was astonished in turn by a show of teeth—quite too many of them for his one heavy grinder. Putting his craft instantly about, he attempted, by sharp sailing, to escape; but it was too late. He was under the guns of the U. S. Brig Perry, Lieut. E. G. Parrott commanding, which at once set all sail for a chase, firing at intervals, as signals that her new acquaintance was expected to stop. The Savannah did not appear to comprehend; for she sent four shots at the Perry, one of which passed through her rigging. So the chase continued till 8 o'clock P. M., when the Perry had

hauled so close to the puzzling little craft as to order her by trumpet to heave to, when the schooner lowered all her sails, and her officers ran below. In a few moments, the two quarter boats of the Perry were alongside and their crews leaped upon the flyaway's deck; when all remaining mystery as to her character was thoroughly dispelled. Her men at once stepped forward and surrendered their side-arms; and perceiving there was no bloodshed the leaders soon emerged from the cabin, and did likewise. All were promptly transferred to the Perry, and returned in her to Charleston bar; whence they were dispatched, on the 7th, as prisoners, in what had been their own vessel, to New York.*"

The Federal authorities, at first, threatened to treat the officers and crew of the Savannah, as pirates. But after having recognized Confederate soldiers as prisoners of war, and not as murderers, they could not reasonably withhold belligerent rights from Confederate sailors, whether serving in public ships of the Confederacy, like the Atlanta and Alabama, or in private armed cruisers bearing Confederate letters of marque. And when the Confederate States had captured a large number of Federal

*American Conflict, vol. 1, p. 598

soldiers, and when President Davis threatened, as he did in a letter to President Lincoln, to punish Federal prisoners in the same manner in which his privateers were punished, the Federal authorities were forced to recede from their untenable position. But I doubt whether the sunny-hearted Lincoln or his astute Secretary of State ever seriously contemplated the public execution of Southern privateers as pirates.

If the Savannah perished prematurely, the Brig Jefferson Davis, which left Charleston a short time after, upon the same business, had better success. She had previously been a Slaver, called the Echo, and had been condemned as such two years before. Her armament consisted of a 32-pounder gun, placed amidships, mounted on a pivot, so that it might be used in all directions, and on each side a 32-pounder and a 12-pounder; and she was manned by 260 men.

The Jefferson Davis was painted black and looked like the craft which the poet described,

"Built in the eclipse and rigged with curses dark."

She spread terror through New England and ran in as near as the Nantucket Shoals, making on her way prizes valued roughly at \$225,000. After a brief but brilliant career, this famous privateer, (for she carried letters of marque

from the President whose name she bore,) on August 17th grounded on the bar of St. Augustine, and was lost. Captain Coxetter and all his crew returned in triumph to Charleston.*

The third Charleston prize was the Ship Amelia, captured by the Wabash and Union, June 18th. The anniversary of the battle of Waterloo proved a Waterloo to her.

Previous to this, (June 8th,) the Union had taken the Brig Hallie Jackson off Savannah.

On the nineteenth of July, the Schooner Dixie ran the blockade of Charleston to cruise as a privateer. She carried four guns : her burden was 150 tons ; her commander, Thomas J. Moore, had letters of marque from President Davis. On the fourth day after leaving Charleston, she fell in with and captured the Bark Glen, from Portland, Maine. Two days later, she captured the Schooner Mary Alice, of New York, with a cargo of sugar, from the West Indies : but this prize was promptly recaptured by the blockading fleet.

Another week passed, when the Dixie captured her third and last prize, the Bark Rowena of Philadelphia, with a cargo of coffee. Captain Moore transferred himself to his prize. On the night of August 27th, the Rowena and

*Appleton's Annual Cyclopaedia, 1861, p. 586.

Dixie ran safely into Charleston, narrowly escaping capture by the Federal blockaders, which were too few in number for that wide-mouthed, many-channeled port.

The fourth of the Charleston prizes was the Schooner Petrel, taken by the St. Lawrence, July 28th. She had previously borne the name of Governor Aiken, and had been a United States revenue cutter at Charleston. She had been out of Charleston but a few hours when she fell in with the St. Lawrence, which she mistook for a merchantman. The St. Lawrence encouraged the mistake by pretending to run away until both had got into deep water, and the Petrel had approached within close range of the St Lawrence. Then, suddenly, an 8-inch shell was discharged from the St. Lawrence's Paixhan gun, like a thunderbolt out of a clear sky ; it fell into the Petrel's hold, exploded, and sent her to the bottom in an instant. Four of the crew went down with her: the rest were picked up by the St. Lawrence's boats. They supposed they had heard a clap of thunder, and mistook the flashes of the St. Lawrence's guns for lightning. It took some time to satisfy them that they had had a fight with a Federal frigate, and had been made prisoners of war. Then some of them appeared sad; some glad; some puzzled and amused; and some indifferent.

The commander of the Petrel, William Perry, held a letter of marque from President Davis ; and though his little craft carried but a single gun, he would, doubtless, have made havoc among our merchantmen, had not the St. Lawrence, in this summary manner, "prevailed on him to stop." He and his officers and men were all taken to Philadelphia, and, after lying for some time in jail, were exchanged as prisoners of war.

The fifth of the Charleston prizes, the Brigantine Hannah Balch, was recaptured by the Confederate Steamer Winslow off Hatteras, on her way to the prize court.

Three more prizes, the Middleton, Alert, and Watson, taken August 16, October 3 and 15, by the Roanoke and Flag, complete the list of Charleston captures, down to the arrival of Dupont at Port Royal, on the Eve of Guy Fawkes' Day, November 4, 1861.

On the twelfth of November, 1861, the Steamer William G. Anderson, cruising in the Bahama Channel, captured the Schooner Beau-regard, which had run the blockade of Charleston, only one week before, to cruise as a privateer. She was "a long, low, rakish looking craft," resembling the ships of the pirates who infested those waters from 1812 to 1820. Her burden

was about a hundred tons, and her armament a single 24-pounder pivot gun; and she was manned by a captain, two lieutenants, a purser and twenty-two seamen. On sighting the Anderson, the Beauregard ran towards her till she came within four miles, when her captain "suddenly hauled by the wind," probably discovering that the stranger was an armed vessel of the Navy, and not a defenceless trader.

And now the Anderson in turn gave chase, and in two hours brought the Beauregard under her lee, fired a gun, and ordered the captain to come on board with his papers. The privateer captain obeyed that order, and showed a letter of marque signed by Jefferson Davis, President of the Confederate States, and countersigned by Robert Toombs, Secretary of State, and bearing the seal of the Confederacy.*

In his dispatch to the Navy Department, Lieutenant William C. Rogers, the commander of the Anderson, (who, like all his officers, was a volunteer,) says :—

*Neither Harper, nor Greeley, nor the Count of Paris, nor Lossing, nor Boynton, mentions the Dixie. Harper, alone of these authorities, mentions the Jefferson Davis; while the Count alone mentions the Beauregard; and he errs, as in the case of the Savannah, in saying that she captured "a few prizes." Vol 1, p. 430. There is a good account of the Beauregard in Putnam's Rebellion Record, vol. 2, pp. 429, 430. Gilbert Hay was her commander.

"We put a prize-master and a crew on board, and transferred the prisoners to our ship, placing them in double irons. On boarding her the crew were found in a drunken state, committing all the destruction they could—throwing overboard the arms and ammunition, spiking the gun, and cutting the sails and rigging to pieces. She was otherwise in bad order and poorly found, and having but a short supply of water. Having twenty-seven prisoners, and no room for them on board the W. G. Anderson, I decided, as we were within three days' sail of Key West, to take them and the vessel into that port and deliver them to the proper authorities."

There were several other privateers that sailed from Charleston, and from Savannah, of which I have learned but little—such as the Brig Bonita, previously a Slaver; the iron Steamer James Grey; the Schooner Sallie, which ran out of Charleston and captured the Brig Granada and the Betsy Ames, which were condemned as prizes by Judge Magrath in the Confederate Admiralty Court at Charleston and sold by the Confederate States Marshal.

The Savannah, the Petrel, the Dixie, the Sallie, the Jefferson Davis, and the Beauregard, were strictly privateers. I now come to a vessel of another sort On the 26th of Octo-

ber,* the Confederate Steamer Nashville ran the blockade of Charleston under the command of Lieutenant Robert B. Pegram,† then of the Confederate States Navy, but previously of the Federal Navy, to cruise, not as a privateer, but as a public armed vessel of the Confederacy.

The Nashville narrowly escaped being captured as promptly as the three privateers whose fate I have just now recorded. The Steamer Connecticut, which was sent in pursuit of her, put into Burmuda in search of her before the Nashville arrived.

The Nashville captured and destroyed one prize, the Ship Harvey Birch, of New York. She afterwards ran the blockade of Beaufort, North Carolina. At a later period, she entered the Ogeechee, and landed a cargo of arms in

*This is the correct date. See the Case of the United States, in Papers relating to the Treaty of Washington—Geneva Arbitration, vol. 1, p. 132; and the Case of Great Britain, *ibid.*, p. 232; as well as the Counter Case of Great Britain, *ibid.*, vol. 2, pp. 295, 347. But in the Argument of the United States, Messrs. Cushing, Evarts, and Waite give the erroneous date of August 26th. *Ibid.*, vol. 3, p. 138. The same error disfigures the Opinion of Mr. Adams. *Ibid.*, vol. 4, pp. 212–214.

†Compare his commission, in Putnam's Rebellion Record, vol. 3, p. 410, with the commissions of officers in the Federal Navy, in Lossing's History of the Civil War, vol. 1, p. 560.

Georgia, but was blockaded by the Federal fleet, and prevented from getting out. Week after week, she lay under the guns of Fort McAllister,—

“As idle as a painted ship upon a painted ocean.”

Finally in February, 1863, she was destroyed by the Monitor Montauk.*

She seems to have been meant for special service on occasions of emergency, and especially for duty in connection with the diplomacy of the Confederacy. Messrs. Mason and Slidell, the envoys to Great Britain and France, were to have been carried out by her.

The Tribunal of Arbitration, at Geneva, unanimously decided that Great Britain was not liable for the damages done to the commerce of the United States by the Nashville. Such also was the decision of that Tribunal upon the claim of the United States for damages done by the Davis, the Sallie and other privateers from Charleston. These claims had no such foundation as those for damages done by the

*No historian of the late Civil War gives us anything like a clear or connected account of the Nashville. The Count of Paris, or rather his translator, errs, as in the case of the Sumter, in calling her a “privateer.” Vol. 2, p. 645. Boynton calls her “a very fine and fast English blockade-runner.” History of the Navy &c. vol. 2, p. 436. As well call her a Chinese war junk.

Alabama, the Florida and other cruisers' fitted out in British ports.*

On the night of the twelfth of October—the same night of extreme darkness on which the Confederate Flag Officer Hollins attempted to raise the Federal blockade of the passes of the Mississippi—the Steamer Theodora, formerly called the Gordon, ran out of Charleston, and carried to Cuba James M. Mason and John Slidell, the Confederate Envoys to Great Britain and France. The subsequent seizure of the envoys by Captain Wilkes on board the British Mail Steamer Trent has been related with all desirable fulness by most of the historians of the late War; although, I apprehend, that the question of the rightfulness of that seizure is generally but little better understood than when Captain Wilkes sent across the bow of the Trent that famous shell which, like the shot of Lexington, was "heard round the world."

I was in Boston when Mason and Slidell were brought to Fort Warren as prisoners of war—when the great banquet was given to Captain Wilkes—when Governor Andrew "slopped over," as he had done before, when he kissed the gun in the Senate Chamber,—and

*But see Harriett Martineau's remarks on this subject in her Autobiography.

when even the learned Chief Justice Bigelow, for the first, last and only time in his career, soiled the ermine by using it *ad captandum vulgus* with opinions which his sober second thought disaffirmed.

All the newspapers applauded Wilkes. His pluck was cheered in every public assembly : "his praise was in all the churches." Even conservative statesmen, like the late Edward Everett, hastened to say, by way of preludes to lyceum lectures, that there was a precedent for the seizure of these envoys in the capture by Great Britain of Henry Laurens, while on his way, during our Revolutionary War, in a blockade-runner from the United States to Holland. It was only here and there that I met a clear-sighted, hard-headed lawyer like Judge Abbott, who shook his head ominously, and said, "This wont do. We can never justify, on our principles, the seizure of any belligerent on his passage in a neutral ship from the port of one neutral to the port of another." The great natural sagacity of President Lincoln enabled him to view this seizure by the clear, cold light of reason : and he insisted that Seward, (who was the ablest of his lieutenants, though never his master) should inform Her Britannic Majesty that Captain Wilkes had acted without authority.

Suppose that, in the late Turko-Russian War, an Ambassador of the Porte had been seized by the captain of a Russian cruiser on board an American steamboat plying between New York and Havanna, and taken thence to Cronstadt, and there incarcerated as a prisoner of war: I apprehend that the American Eagle, that blessed Bird of Freedom, would have screamed quite as loudly as the British Lion growled over the act of Captain Wilkes.

Some such case, as I have been told, was put by the President, hypothetically, in one of his conversations with Mr. Seward.

Had not the darkness of the night, the number and width of the channels of Charleston, and the fewness of our fleet off the bar, prevented the capture of the Theodora, a case that ranks among the most famous in the history of international relations, would not have occurred. And what honors would not have been paid to the blockading captain who should have captured the Theodora with her distinguished passengers. They were to have sailed in the Nashville, as I have said; and how promptly the Federal cruisers bounded over the waves to catch them, appears from the fact that one of them, as already stated, actually reached St. Georges, the port of their supposed destination

in the Bahamas, before the ship in which they were to have sailed, left Charleston. By changing the time of their departure, and their port of destination, as well as the vessel in which they sailed, the Confederate Envoys placed the Federal cruisers at the greatest disadvantage.

How extremely difficult it is to intercept an enemy at sea, without knowing his destination, was strikingly illustrated by the experience of Lord Nelson, when in pursuit of Admiral Brueys' fleet, which carried General Bonaparte and the "Army of Egypt" to the scene of their glory and their shame. Even Nelson, "the first and last of the Titans of the sea," did not escape cruel outcries of "delatoriness and incapacity," which, though they "redoubled his anxiety," could not increase his untiring vigilance and sleepless activity. The incidents of this chase are thus related by Lamartine in his admirable *Memoirs of Celebrated Characters* :—

"Bonaparte embarking at Toulon an expeditionary force, on board the most formidable fleet that had navigated the Mediterranean since the Crusades, left the English ministers in doubt as to the object he had in view. Did he propose to pass the Straits, and attack Great Britain in one of her European islands or in the Indies? Was it his intention to seize Constantinople, and

from thence to dictate to Russia and Austria, and to command the seas of Europe? Lord St. Vincent, the admiral in chief command of the naval forces of England on the coasts of France, Italy and Spain, dared not abandon the blockade of Cadiz and the French ports; he therefore dispatched Nelson, as the bravest and most skillful of his lieutenants, to watch, pursue, and, if possible, destroy the French armament. Nelson, successively re-enforced by sixteen sail of the line, hoisted his flag in the Vanguard, and hastened after the enemy without any certain indication of their course. After touching at Corsica, already left behind by Bonaparte, and examining the Spanish seas, he returned to Naples on the 16th of January, 1798, discouraged by a fruitless search, and in want of stores and ammunition. While there, the reports of the English consuls in Sicily apprised him of the conquest at Malta by the French, with the subsequent departure of the fleet as soon as that island was reduced, and directed his thoughts towards Egypt.

"The intrigues of Lady Hamilton, animated by her double attachment to the queen and to Nelson, obtained from the Court of Naples, notwithstanding their avowed neutrality, all the supplies necessary for the English squadron

before they resumed their dangerous cruise.* In a few days Nelson was ready to put to sea ; he touched at Sardinia, coasted the shores of the Peloponnesus, searched the Levant in its full extent, dispatched small vessels to look into the road of Alexandria, where the French had not yet appeared, traversed the Egyptian sea, sailed along one side of Candia while the Republican fleet passed by on the other, came close to Malta, vainly interrogated every ship or boat coming from the Archipelago, learned that there was already an outcry against him at home for his delatoriness or incapacity, exclaimed against the winds, crowded additional sail, braved continual tempests, and finally, on the 1st of August, at early dawn, discovered the naked masts of the French fleet at anchor in the Bay of Aboukir."

The victory of the Nile then won by Nelson was the most complete that had ever been won at sea since the invention of gunpowder ; and must have shamed those carping critics who had

*The fatal attachment between Lord Nelson and Lady Hamilton, like the passion of Antony and Cleopatra, "inflamed the coasts of the Mediterrenean, changed the face of the world, and carried on to glory, to shame, and to crime, a hero entangled in the snares of beauty." See Lamartine's fine memoir of Nelson, quoted in Cowley's *Famous Divorces of All Ages*.

stung the pride of Nelson with their senseless calumnies.

CHAPTER III.

Battle of Port Royal—General T. F. Drayton—Occupation of the Sea Islands—General T. W. Sherman's Army—Battle of Port Royal Ferry—Robert Small—Ter-centenary of Charles Fort—Battle of Secessionville—Blunder of General Benham—Victory of General Evans—General Stevens.

Had not the name of Dupont shone among the brightest in the American Navy, he would not have been assigned to the command of the fleet of seventeen men-of-war and thirty-three other vessels, which left Hampton Roads, October 29th, 1861, for Port Royal. His heart may well have swollen with both professional and patriotic pride, as he gave the signal, "Weigh anchor," to a fleet manifold greater than had ever before been assembled under any American commander. The terrible tempest which separated his fleet off Hatteras, has often been compared with that which overtook the Duke

of Medina Sidonia and the Spanish Armada, nearly three centuries before : and many devout souls in the Confederate States regarded it as a sign of Divine displeasure towards the Federalists, and as a proof of the favor of Almighty God for the cause of the South.

The battle of Port Royal was the first occasion on which a Steam Navy fought land batteries while sailing in a circle ; though something like it was attempted by Admiral Dundas, seven years earlier, in the harbor of Sebastopol.*

Like the later capture of New Orleans, it was wholly the work of the Navy, and the Army merely held what the Navy acquired.

The Federal force engaged was so much greater than that of the Confederates, in the number and weight of guns, that to have failed of success would have covered it with disgrace. The merit of Dupont lies in having effected his object with but little loss.

*Kinglake's Invasion of the Crimea, vol. 2, chapter 17. Admiral Hamelin's signal to the French fleet on that occasion,—“*La France regardez vous,*”—deserves to be bracketed with that which thrilled the tars of Nelson on the morning of Trafalgar,—“England expects every man to do his duty;” or with the famous “sentiment” with which Bonaparte roused the energies of his Colonels on the morning of the Pyramids,—“From yonder summits forty centuries look down upon you.”

44 *LEAVES FROM A LAWYER'S*

If, as the Duke of Wellington said, the art of war consists in the accomplishment of great results by small sacrifices, the credit due to Dupont can hardly be overstated.

It is not often that a soldier fights in his own village and on his own estates. But General Thomas F. Drayton's plantation was hard by the fort which his valor defended, and his house stood a mile or so distant, within a few yards of the beach, commanding one of the finest views of land and sea in the whole archipelago of St. Helena. Like Dahlgren, Pegram, and many other officers, the sad fatalities of the civil war compelled General Drayton to fight against his own brother, Captain Percival Drayton, who commanded the Steamer Pocahontas in the fleet of Dupont.

There is a noble essay of Lord Macaulay in which Colonel John Hampden, mortally wounded at Chalgrove, by Prince Rupert's cavalry, is pictured to us "with his head drooping, and his hands leaning on his horse's neck, moving feebly out of the battle. The mansion which had been inhabited by his father-in-law, and from which in his youth he had carried home his bride, Elizabeth, was in sight." With similar feelings doubtless the Confederate General Drayton looked back upon that comfortable

mansion where he had so often sat listening to the melancholy music of the sea, and thinking of the possible future of that magnificent bay, in which all the Navies of the world might ride.

Lossing and the Count of Paris give excellent detailed accounts of the battle of Port Royal. More condensed summaries are given by Greeley, Harper, Boynton, and many others. The reports of Admiral Dupont and Secretary Welles to the President, must not be overlooked.* As long as Mr. Welles was in office, persistent attempts were made to belittle him. Whatever he achieved, the merit of it was attributed to Mr. Fox, Mr. Faxon, or some body else. Many denied him the credit due for his reports, which are among the most masterly State papers ever penned by a public man. Now that he is no more, the truth may perhaps be told without offence. Mr. Welles had admirable assistants : but he filled, really as well as nominally, the first place in his Department.

In the matter of style, which is of no small importance, (for "the style is the man,") he is without a superior among all the men of learning who have filled his place, not excepting Bancroft, the historian, or Secretary Thompson,

*See also General Drayton's Report, in Putnam's Rebellion Record, vol. 11, p. 101. Also vol. 3, pp. 304-318.

the keen analyzer and expositor of the relations of the Papacy and the Civil Power.*

This victory of Dupont was achieved exactly one year from the day when South Carolina began her preparations for secession—namely, on the day following the election of President Lincoln. During the year, the armies of the Union had met with so many Big Bethels, Bull Runs, Ball's Bluffs, and Belmonts, that the people of the North had become much disengaged. But upon the recovery of the Sea Islands by Dupont, "the winter of our discontent" at once became glorious summer; and even the growlers of the press became cheerful, hopeful and happy.

The late William S. Robinson called attention to this coincidence of dates in his "Warrington" letters, and added: "Verily this has been an eventful and glorious year; and I, who have been complaining and scolding at the government for inactivity, should feel ashamed of myself, did I not think that complaint and uneasiness and criticism on the part of the press and people had been useful in bringing the administration up to its present position."

*Mr. Pollard notices the contrast between "the wonderful energy" displayed by Mr. Welles, and the "feeble administration" of the Confederate Navy, in his *Lost Cause*, pp. 192, 224.

Charming self-complacency! As if the Administration had actually been stimulated in its efforts by clamors tending directly to baffle and discourage it.

By the capture of Port Royal we gained an admirable naval depot and a firm foothold in the region of the Sea-Islands Cotton. It also afforded a grand theatre for those Anti-Slavery experiments in which General Hunter, General Saxton, Chaplain French, Colonel Higginson, E. L. Pierce, and many other gentlemen, and many ladies, too, distinguished themselves.

Beaufort district was one of the richest and most thickly settled in the Palmetto State. It contained about 1,500 square miles, and produced, annually, 50,000,000 pounds of rice, and 14,000 bales of cotton. It then had a population of about 40,000, of whom more than three-fourths were slaves.

Beaufort was named for the beautiful Gabrielle d'Estrees, mistress of Henry the Fourth of France, who made her Duchess of Beaufort. She it was, more than Duperron or D'Ossat, who prevailed upon that amorous monarch to renounce Protestantism, and make his peace with Rome.

While the ships of Dupont were spinning round the ellipse in Port Royal Harbor, General

R. E. Lee was on his way to the Confederate Department of South Carolina, Georgia and Florida for the purpose of directing and supervising the construction of a line of defence along the coasts of those States. He established his headquarters at Coosawhatchie, on the railroad, about midway between Charleston and Savannah.* But as Colonel Taylor, of his Staff, writes, "beyond the prosecution of this work of fortifying the coasts and rivers, nothing of importance occurred during his three months' stay in this department. He was in Charleston at the time of the great conflagration." Early in March 1862 he returned to Richmond.

The military force, which was assigned to occupy the Sea Islands, consisted of three brigades numbering about fifteen thousand men, besides artillery, the whole under General Thomas W. Sherman. The brigades were as follows :—

FIRST BRIGADE.

Brigadier-General Egbert S. Viele.

Third New Hampshire Volunteer Infantry.

Eighth Maine " "

Forty-sixth New York " "

Forty-seventh New York " "

Forty-eighth New York " "

**Four Years with Gen. Lee*, p. 37.

SECOND BRIGADE.

Brigadier-General Isaac I. Stevens.

Eighth Michigan Volunteer Infantry.

Fiftieth Pennsylvania " "

One Hundredth Pennsylvania* " "

Seventy-ninth New York† " "

THIRD BRIGADE.

Brigadier-General Horatio G. Wright.

Sixth Connecticut Volunteer Infantry.

Seventh Connecticut " "

Ninth Maine " "

Fourth New Hampshire " "

Third Rhode Island " "

Dupont and Sherman cooperated admirably in recovering and picketing all the Sea Islands from the North Edisto River to Wassaw Sound. No forcible resistance was made to them by the Confederates until New Year's Day, 1862, when a determined stand was made under Generals Gregg and Pope at Port Royal Ferry, on the Coosaw River. General Isaac I. Stevens and Captain C. R. P. Rodgers commanded the Federal military and naval forces respectively. Mr. Lossing's account of the battle of Port Royal Ferry is the best that has yet appeared.

*Commonly called "Roundheads."

†Colonel James Cameron, the first commander of this regiment, called "Highlanders," was killed at Bull Run.

Why the Confederate forces made this stand at Port Royal Ferry, will readily appear when one remembers that "the Shell Road," that beautiful and only thoroughfare by land between Beaufort and Charleston, strikes the Coosaw at this ferry, nine miles north of Beaufort. By this brief battle the Federal forces succeeded in destroying the Confederate works and in burning their houses ; still, the Coosaw River continued, for three years longer, the dividing line between the opposing pickets ; the Confederates holding the left bank, and the Federals holding the right of that stream.

The Eighth Michigan sustained the heaviest fire of grape and canister from the Confederates, and here its major, A. B. Watson, was mortally wounded.*

On March 31st, 1862, the Department of the South was established under General Hunter, and the name of his predecessor was no more heard in South Carolina, Georgia and

*See Lossing, vol. 2, p. 127; the Count of Paris, vol. 1, p. 464; and the reports of Dupont, Rodgers, and others, in Putnam, vol. 4, pp. 1-10

This battle is not mentioned by Mr. Greeley, though his narrative does contain, as he says, "accounts (necessarily very brief) of many minor actions and skirmishes which have been passed unheeded by other historians." Neither does Harper's History mention it.

Florida, till another and far greater Sherman marched his pic-nic party from Atlanta to the Sea.

The new commander divided the department into three districts—the Northern, under General Benham ; the Southern, under General Brannan ; and the Western, under General L. G. Arnold.* The adjutant-general of this department was Major Charles G. Halpine, the famous “Miles O'Reilly,” who indited some of his best effusions at Port Royal.

The more striking events in this department have, of course, their place in most of the histories of the War ; but none save those who shared its severe picket duty, or the severer picket duty of the cooperating ships, can duly appreciate the importance or the irksomeness of the part which it faithfully performed. Upon the maintenance of a picket line of 250 miles in this department depended our holding the archipelago of St. Helena ; and upon that again depended Sherman's Grand March.

Colonel Higginson sums up this work in these words :—

“The operations on the South Atlantic coast, which long seemed a merely subordinate and incidental part of the great contest, proved

*Hunter's Order is in Putnam, vol. 4, p. 353.

to be one of the final pivots on which it turned. All now admit that the fate of the Confederacy was decided by Sherman's march to the sea. Port Royal was the objective point to which he marched and he found the Department of the South, when he reached it, held almost exclusively by colored troops. Next to the merit of those who made the march, was that of those who held open the door.”*

Much has been said about the attempt to close the harbor of Charleston by sinking ships in its principal channels. Why the Federal Navy might not thus seal up a hostile port, as Cardinal Richelieu did Rochelle, it is difficult to see. But it is useless now to discuss what might have been. Sixteen vessels loaded with stone were sunk in the Main Channel. But two or three spring tides, (those flood tides which attend the full moon,) washed the “stone fleet” out of the way.

Harper's History states that, “in a few weeks, the Ashley and Cooper Rivers made for themselves a new channel, better than the previous one.” Greeley thinks “the partial closing of one of the passes, through which the waters of the Ashley and Cooper rivers find their way to the ocean, was calculated to

**Army Life in a Black Regiment*, p. 263.

deepen and improve the remaining."* But the fact is, there never was a partial closing of the ship channel. The sixteen old whalers, loaded with stone and sunk checkerwise there, disappeared like phantom ships.

While the people of Charleston were complaining of this imaginary peril, a real and overwhelming calamity came upon them, and a large portion of "the Venice of America" was reduced to ashes.

The daring stratagem of Robert Small, the slave pilot of the Confederate Steamer Planter, plying between the city of Charleston and the forts which defended it, has not escaped the notice of Mr. Lossing, or of the Count of Paris. It was one of the most brilliant personal exploits in a war in which brilliant deeds were not uncommon on either side. Small not only brought to the Federal fleet a useful vessel and four heavy cannon ; but he brought also valuable information. From him we learned that General Pemberton, who had succeeded General Lee in this department, had determined to abandon Cole's Island, and was strengthening the defences of James' Island.

Small's intimate knowledge of the River and Bay of Stono enabled him to pilot the

*Harper, vol. 2, p. 733; Greeley, vol. 2, p. 458.

Unadilla, the Pembina and the Ottowa as far towards Charleston by that channel as beyond Legareville—a service of the greatest importance to the Navy, although the benefit of it was lost by the failure of the Army to move with the requisite force and celerity on that line.*

Small afterwards became an Acting Master in our Squadron, and commanded the Planter till the end of the War. He has since been a State Senator, and is now a Representative in Congress. It is true, he has been convicted of accepting a Five-Thousand-Dollar Bribe. But his conviction was procured by the testimony of a single witness, and that witness an accomplice ; and there is doubt as to its justness. And even if he was guilty, it was at a time when all around him, including men who had been brought up under the most favorable conditions, were rolling in wealth obtained by bribes.

The generosity of Governor Hampton may yet pardon Small. If the Governor hesitates to condone the bribe-taking on account of the "stealing" of the Planter, let him ponder on

*Small's bold exploit was not done suddenly, as the Count of Paris infers. Vol. 2, p. 234. It was known to scores of Charleston slaves, who kept the secret well. Strange that neither Greeley nor Harper deigns to notice Small, though the latter reports speeches by village politicians at flag-raisings.

the pithy remark of another gallant son of the Palmetto State: "You can't expect much morality for twelve dollars a month."* Small's life had been passed at hard labor without even twelve dollars a month.

On the twenty-seventh of May, occurred the three hundredth anniversary of an event which, if we had had not been so strenuously engaged in making history that we had little leisure for recalling it, might have been celebrated from Maine to Mexico—the landing of the first European settlers in the United States.

These settlers were Norman Protestants, and their expedition, which consisted of two small vessels under the command of Jean Ribaut, was fitted out under the auspices of Admiral Coligny, the famous Huguenot chief, who perished with many thousands of his co-religionists in the massacre of St. Bartholomew. Captain Ribaut was an officer of great merit. He was accompanied by Rene de Ladonnier, afterwards Governor of Fort Caroline, and other gentlemen of high repute in their day.

The expedition left France on the eighteenth of February—a day destined to distinction in

*Admiral Steadman's remark, when voting for a lenient sentence on a sailor, found guilty of stealing, by a naval general court-martial in 1865.

the history of the South as the day of President Davis' inauguration, and the day of the evacuation of Charleston.

After landing near St. Augustine and at other points on the coast of Florida and Georgia, on the twenty-seventh of May, 1562, Captain Ribaut entered that spacious and beautiful bay which, "because of the fairnesse and largenesse thereof," (as Ladonnier relates,) he named Port Royal. He spent several days in exploring the rivers which enter this bay, and in examining the coast. Upon this shore he erected a column of stone engraven with the arms of his native France. Ribaut has sometimes been called the discoverer of Port Royal, but he was not. The Spanish navigator, Vasquez de Allyon, had been there more than forty years before—in 1520.

Having determined to plant a colony here, he built a fort, the walls being formed of a kind of concrete made largely of oyster shells, and called coquina. The remains of these walls are still visible on Old Fort Plantation, at the mouth of Battery Creek, about six miles from Beaufort. As this fort was to contain only twenty-six men, it was only twenty-six fathoms long and thirteen wide. Captain Ribaut called it Charles Fort in honor of his King, Charles

the Ninth, and placing it under the command of Captain Albert de la Pierria, he turned his prows toward France.

The solitude of the wilderness is as depressing as the solitude of the sea; and the *ennui* endured by the little garrison of Charles Fort, "with no civilized neighbors from the North Pole to Mexico," can only be compared with that which our own Navy experienced during the long blockade of the South. It drove them to sickness—to despair—to insanity. In a mutiny which arose, Albert was put to death by his own men, and Nicholas Barre was chosen commander; but the fear of coming famine and the want of provisions made the men desperate. They obtained food from the Indians for some time. Finally, they built a rude pinnace—the first sea-going vessel ever constructed on this Continent—and embarked for France. After incredible sufferings from hunger and thirst, they were picked up by an English vessel, the captain of which presented some of them to Queen Elizabeth; and glad they were to see once more their native Normandy.

Mr. Simms has illustrated the sojourn of Albert de la Pierria at Port Royal in the *Lily* and the *Totem*. Colonel Higginson, whose regiment of blacks was encamped for some time

near Charles Fort, during the late War, gives extracts from the narratives of Ribaut and Ladonniere in his *American Explorers*.*

From Captain Ribaut this Continent received the name of Nouvelle France ; and here began that series of efforts to establish French supremacy in America, which were renewed, again and again, for more than two hundred years, till the conquest of Canada by General Wolfe in 1759. In fact this dream of a French empire was not wholly dismissed till the sale of Louisiana in 1801 ; an act to which the great First Consul consented only from inevitable necessity, declaring to our Commissioners that, but for the certainty that Great Britain would seize Louisiana in the war then impending, he would rather cut off his right arm than cede that territory to the United States.

On the sixteenth of June, 1862, the Federal forces in the northern district of this department, aided by three of our gunboats, made an assault on the Confederate works, which should have been made several weeks earlier, or not at all. I refer to the battle of Secessionville, more often called the battle of James'

*See also Parkman's *Pioneers of France in the New World*, De Brey's *Florida*, and the learned work of Professor Rivers.

Island. The Confederate forces in this district had been increased two days before to 2,000 men, under General N. G. Evans; the batteries at Secessionville being under Colonel T. G. Lamar, of the First South Carolina Artillery.

The Federal troops on the island outnumbered the Confederates more than three to one, but the latter had, of course, an immense advantage in position, and not much more than half of the former were engaged at all.

The principal fighting was done by General Stevens' division. The first brigade commanded by Colonel William W. Fenton, made the assault in the most gallant manner. This brigade consisted of the Eighth Michigan, Lieutenant-Colonel Graves; the Seventh Connecticut, Lieutenant-Colonel J. R. Hawley; and the Twenty-eighth Massachusetts, Lieutenant-Colonel M. Moore. It was gallantly supported by the second brigade, commanded by Colonel Daniel Leasure, consisting of the Seventy-ninth New York, Lieutenant-Colonel Morrison; the One Hundredth Pennsylvania, Major Daniel A. Leckey; and the Forty-sixth New York, Colonel Rudolph Rosa.

Two companies of the Eighth Michigan under Captains Ely and Doyle, and one company of Colonel Serrell's New York Volunteer

Engineers under Captain Sears, formed the storming party. Captain Rockwell's Connecticut Light Battery and Captain S. M. Sargeant's company of the First Massachusetts Cavalry, followed in the rear.

The Count of Paris praises these young and inexperienced troops as having "behaved like veterans." They had to advance upon a narrow ridge of sand not over 200 yards wide, swept by grape and canister from six cannon, (one of which was sighted by Lamar himself,) and exposed to a murderous fire from rifle-pits and sharp-shooters on both flanks and in their rear. The crossing of the famous bridge of Lodi could hardly have been more terrible.*

The batteries they attacked were protected by an insuperable abatis, a ditch seven feet deep, and a parapet nine feet high. The Count of Paris says, "They advanced with the bayonet without firing a shot, and had already passed the last hedge, situated some five hundred yards from the work, before its defenders had become aware of their approach. Colonel Lamar had scarcely collected a few men, and fired his seige-gun once, when the assailants were al-

*At St. Helena, Bonaparte said, it was at Lodi, as he crossed the bridge with Lannes, that he felt the first spark of his all-devouring ambition—which the battles of Toulon, Milesimo and Monte Notte had failed to kindle.

ready in the ditch. One of the most sanguinary close combats was engaged on the parapet itself; it was five o'clock in the morning, the day was hot, foggy and damp; the combatants were soon enveloped in dense smoke. The boldest among the Federals had penetrated into the entrenchments, and planted on them the flag of the Eighth Michigan; but they could not capture the redoubt, the guns of which, loaded with grape, swept the summit of the ridge, and opened several gaps in the ranks of the regiments which Stevens had sent to their assistance."

The gallant Colonel Fenton threw the Eighth Michigan as far to the right as possible, and used every effort, as General Stevens says, "to bring on, in support, the Seventh Connecticut and the Twenty-eighth Massachusetts; but the terrible fire of grape and musketry from the enemy's works cut the two former regiments in two, the right going to the right and the left to the left, whither, finally, the whole of the Twenty-eighth Massachusetts took its position, and where they were joined, with scarcely an interval of time, by the One Hundredth Pennsylvania and the Forty-sixth New York, of Leasure's brigade. These regiments had been brought up with great promptness and energy

by Colonel Leasure, and the right of the One Hundredth had pushed up to and joined the Seventy-ninth in their charge."

The battle became a massacre. Stevens says, "The Eighth Michigan made the most heroic exertions, and suffered the most terrible losses. Captains Pratt, Church, Guild, and Lieutenant Cattrell, commanding companies, were killed, and Captains Doyle and Lewis and Lieutenant Bates, commanding companies, were wounded on, or near the parapet of the work. * * Of twenty-two officers of that regiment who went into action, twelve were killed and wounded."

If we had "Highlanders" on our side in this battle, so had the South—a Charleston battalion composed largely of Scots and the descendants of Scots, under Major David Ramsay, (son of the historian,) who was subsequently mortally wounded at Fort Wagner.

In less than half an hour, that gallant regiment lost two-fifths of its whole force. The total loss on our side was nearly 600, including more than sixty officers. The Confederate loss was 207.

This assault on Secessionville was made by General Benham, in violation of the instructions of General Hunter, and against the advice of

Generals Stevens and Wright. Had the same force assaulted these works a month earlier when Robert Small brought the information of General Pemberton's designs, the result might have been different.

As is stated in the Military and Civil History of Connecticut, this movement was an inexcusable blunder from beginning to end. "Ten thousand men were sent to make a five days' march on three days' rations; and the sequel was that they arrived without food, tents, or cooking utensils. The only cooking utensil the field and staff of the Sixth had, was a gallon camphene can, with nozzle and top cut off. In this were cooked potatoes, pork, beef, coffee, tea,—food of every sort,—for three weeks."

The battle of Secessionville has been shamefully slighted by compilers of histories. Harper's work, while treating many engagements of our Civil War more copiously than any other narrative, devotes but a few lines to Secessionville. John S. C. Abbott and many others omit to notice it. Horace Greeley and the Count of Paris tell the story of this combat clearly and fairly but more briefly than one could wish. Lossing's account is of inferior merit. The Military and Civil History of Connecticut contains a good account of

the distinguished part which the Connecticut regiments sustained in this battle; but it is avowedly devoted to the Connecticut men alone, and the heroes of New York, Michigan and Pennsylvania are left unmentioned. In Putnam's Rebellion Record the reports of all the commanders on both sides, with praiseworthy fairness, are printed in full.*

Mr. Guernsey, who compiled that portion of Harper's History which relates to the Department of the South, thinks it "a great mistake," on Pemberton's part, to abandon Côle's Island. Pemberton not being one of Mr. Pollard's pets, like Johnston and Beauregard, this movement is condemned in the History of the Lost Cause. President Davis, however, had a high opinion of Pemberton's abilities, though he finally sent Beauregard to relieve him, to hush the clamor of the politicians and the press. I cannot but think that this officer was as wise as any of his critics. The lesson thundered from the cannon of Dupont at Port Royal, that uncovered batteries cannot successfully resist the converging fire of heavily armed fleets, had not been lost on him. He therefore withdrew from a position which, from the depth of the adjacent waters, might easily be assailed with

*Vol. 5. pp. 209-221; vol. 12, pp. 494-504.

effect by the Navy, and strengthened to the utmost those inner fortifications which, from the shallowness of the water, were practically beyond the Navy's reach. Two of our gunboats, the Ellen and the Hall, which managed to get into this action, when the tide rose high enough to enable them to approach, obtained an excellent range, and as General Stevens says, "did very great execution among the ranks of the enemy." Besides this, the great length of the Confederate line when Pemberton assumed command, might well alarm even a less wary commander.

General Stevens, soon afterward, took command of the second division of General Burnside's corps in Virginia. But it was written that his sun should go down at noon. On September 1st, 1862, at Chantilly, seeing the Army about to be attacked at a great disadvantage, he ordered a charge by his own division, and sent one of the captains of his staff to other division commanders for assistance; but none of these, except General Kearney, would take the responsibility of acting without orders from their superiors in command.

General Kearney saw the supreme peril of the situation, and felt as Admiral Villeneuve felt on a similar occasion, when he signalled, "Every captain who is not in action is not at his

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"Yes," replied Kearney, "I'll support you in anything," and at once put his name to the motion.

In this bold movement, Pope's Army was beaten, and the battle of Chantilly, which gave victory to the Confederates, ended in a defeat. But General Stevens was shot leading his troops to the charge. General Kearney, riding accidentally in the darkness of the night within the Confederate lines, was also killed.

Stevens was a native of Andover, Mass., son of the late Nathaniel Stevens, and a brother of Oliver Stevens, the District Attorney of Andover. He had previously been Governor of Oregon, and had sat in Congress. To soothe the South, he had favored the largest concessions to their demands; but when the dissolution of the Union by force was attempted, he offered his sword to the Federal Administration. His services were accepted, but he was not given the rank to which he justly thought himself entitled by virtue of his education and previous service, because of his former affiliations. One of the newspapers bitterly complained that whereas General Stevens had been Chairman of the Breckinridge Democracy, in 1860, and had professed himself a friend of the South and

its peculiar institutions, and had a few months before partaken of the hospitalities of Charleston, he now came with a hostile force on an abolition crusade.*

CHAPTER IV.

Battle of Pocotaligo—Battle of Coosawhatchie—Attempt to raise the Blockade of Charleston—Battle between the Iron-Clads and the Forts—Dupont's Prizes.

The Charleston and Savannah Railroad was of the first importance to the Confederate forces in this department, because, upon an attack at either end of that line, the force at the other end could be relied on for support. Colonel B. C. Christ, with the Fifteenth Pennsylvania, two Companies of First Massachusetts Cavalry, and a section of the First Connecticut Battery, had destroyed several miles of this railroad, by order of General Stevens, shortly before the battle

*See Appleton's Annual Cyclopædia, 1862, article "Stevens." In the article on the Army Operations of this year, the battle of Secessionville is not mentioned.

In justice to General Benham, I refer to an able defense of his conduct, in Putnam, vol. 6, pp. 236-241.

of Secessionville, but the damages had been promptly repaired by the Confederates.

The Count of Paris, combining in himself the instincts and accomplishments of a soldier, a sailor, a scholar and a statesman, has given an admirable account of the attempts which our military and naval forces, under General Brannan and Captain Steedman respectively, made to cut this railroad in October, 1862, and of the battles which they fought at Pocotaligo and at Coosawhatchie.*

The attack of the Confederate rams on the Federal gunboats off Charleston, on January 31st, 1863, is imperfectly recorded by all the historians of the late war. And I venture to observe that too little attention has been given to the peculiar circumstances under which that attack was made, and which, in fact, probably led to it; for on no other occasion did the Confederate rams ever assume the offensive at Charleston.

It must be remembered that, on the preceding day, the Steamer Isaac Smith, while making a reconnoisance on the Stono, went too far

*Volume 2, pp. 622-626. Greeley's account, (vol. 2, p. 462,) and Lossing's, (vol. 3, p. 189,) are less full, and both exaggerate the losses on our side. See the reports of the commanders on both sides in Putnam, vol. 6, pp. 34-41.

up that stream, and was destroyed on her return by three batteries, which were suddenly unmasked at one of the many bends in that serpentine channel.

It must also be remembered that two of the strongest vessels of the blockading fleet had gone to Port Royal to coal, leaving the blockade exceptionally weak just at that time.

It must also be remembered that the noble blockade-runner, *Princess Royal*, (the gross proceeds of which steamer, with her cargo, even at a marshal's sale in Philadelphia, amounted to \$360,000) had just been run ashore and captured by the blockading fleet, and was lying off the bar, almost challenging an effort on the part of the Confederates to wrest her from our grasp.

Moreover, one of these rams had been recently built by the proceeds of a great fair, held by the ladies of Charleston, who had not shrunk from the greatest exertions and sacrifices for the cause of Southern Independence; and there was a general demand on the part of the ladies who led society in Charleston for a demonstration by the Confederate Navy, commensurate with their own efforts, for that cause.

"It was known," says the *Charleston Courier* of February 2d; in its glowing account of this "Brilliant Naval Victory;" "it was known

that the vessels guarding the approaches to the city were of wood, and could not cope with the mailed rams whose grotesque ugliness and saucy look we had so often admired." It was also known that the New Ironsides was soon to join the blockading fleet.*

Besides all this, it was well known throughout the South that Napoleon the Third had recently made overtures to Great Britain and Russia, looking to mediation and recognition of the Southern Confederacy, and even to intervention in its behalf;† and though the reply of Russia was not all that could be desired by the Confederates, or by Napoleon himself, it strongly indicated that a few more victories in the field of battle, especially if accompanied by the breaking of our blockade, might secure that recognition which had thus far been withheld.

Practically then, (strange to say,) Great Britain was thus the only obstacle in the path of that recognition which France proposed, and to which her Emperor was willing to add an alli-

*Boynton innocently remarks, "No one of our iron-clads seems to have been at that time off the harbor," vol. 2. p. 432 As though any of our iron-clads had been there before.

†Appleton's Annual Cyclopædia, 1862, article, "Public Documents," contains this correspondence. The Department of State also printed it.

ance offensive and defensive with the Confederate States. If then the Federal blockade of Charleston could be raised, might not Great Britain withdraw her negative upon the policy of France?

It was with reference to this, as I have been told, that a Southern preacher preached a powerful and passionate political sermon from the text, "There is a lion in the way," vehemently denouncing the British Lion for placing himself across the track of Southern Independence, when the Pope of Rome had recognized and blessed the standard of the South as equal in the temporal order with the banner of St. Peter.

The Federal fleet, at this time, consisted of the Housatonic, Captain W. R Taylor, senior officer present; the Mercedita, Captain F. S. Stellwagen; the Flag, Commander J. H. Strong; the Quaker City, Commander J. M. Frailey; the Key Stone State, Commander W. E. Leroy; the Augusta, Commander E. G. Parrott; the Unadilla, Lieutenant-Commander S. P. Quackenbush; the Memphis, Lieutenant-Commander P. G. Watmough; the Ottawa, Lieutenant Commander W. D. Whiting; the Stettin, Lieutenant C. J. Van Alstine; together with the Schooner Blunt and the Yacht America.

The fleet of Flag Officer Ingraham con-

sisted of his Flagship, the Palmetto State, an iron-clad steamer, built after the style of the Atlanta, commanded by Captain Rutledge; and the Chicora, another iron-clad steamer, of the same style of construction, commanded by Captain Tucker; with three steamers acting as tenders—the Governor Clinch, the Ettawan, and the Chesterfield.

The Palmetto State, approaching the Mercedita unsuspected in the darkness, was hailed by her watch officer: "What steamer is that? Drop your anchor. Back—back. Steer clear of us and heave to." Captain Rutledge answered: "This is the Confederate States Steamer Palmetto State,"—at the same time ramming the Mercedita through amidships, at and below the water line, and discharging a seven-inch shell from his bow gun, which, entering the starboard side of the Mercedita, passed through her condenser and the steam drum of her port boiler, and exploded, passing through her port side, killing and scalding her men, and so completely disabling her, that Captain Stellwagen at once hauled down his flag. The Confederate Captain ordered him to send a boat, which was done, and Lieutenant Commander Abbot went aboard and gave his parole in behalf of himself and all the officers and crew. Upon this pledge, not to serve

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Sullivan's Island.

1

Beach Channel.

2

3

Shoals.

4

5

6

7

Main Channel

8

9

10

Folly
Island.

The dotted line indicates the bar. The figures 1—10 show the positions of the blockading vessels. The rams passed down the main ship channel, crossed the bar, and turning, one to the right, the other to the left, attacked the first vessels they met. Then turning to the north-east, (the battle ended,) they recrossed the bar, lay seven hours in the beach channel and then returned to the inner harbor of Charleston. The distance from the right to the left of our line was about twelve miles.

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against the Confederate States until regularly exchanged, Abbot was allowed to return to his ship, but no further steps were taken to secure her.

Meantime, the Chicora attacked the Key Stone State, giving her a shot from her bow gun and afterwards a broadside. In the fight which ensued, the Chicora sent a shot through both the chimneys of the Key Stone State, and struck her with ten rifle shells, (two of them bursting on her quarter deck,) killing twenty of her crew, including her surgeon, and wounding twenty more, and utterly disabling her.

By this time other vessels of our fleet, hearing guns and signals of distress, came from their several stations off the bar to the help of their consorts. Seeing these, the Confederate Flag Officer speedily abandoned the struggle. On his return to Charleston, he and General Beauregard issued a proclamation that the blockade had been raised. A counter statement was made by the captains of the blockading fleet, and no ship attempted to act on the faith of the proclamation.

Although the greater part of the fighting on the Confederate side was done by the Chicora, the narratives of Greeley, Lossing, Boynston, and a score more writers, erroneously credit

the Palmetto State with two separate battles, first with the Mercedita, and then with the Key Stone State.*

None of our historians seem to have read the testimony before the naval court of inquiry touching this battle.

A question arose, whether the parole of the Mercedita's officers and crew was binding upon them, after the Confederate fleet had abandoned them. A similar question arose a few months later, when the Army Steamer, George Washington, was destroyed by the Confederates near Beaufort. The officer in command ran up a white flag, and then ran away, with his men, to the Beaufort shore. They were fired on, as they ran through the marshes, by the Confederates, who treated their attempt to escape as a resumption of hostilities. Admiral Semmes followed these precedents, when he struck his flag to the Kearsage, and then jumped overboard.

It seems clear that it is the right, if not the duty, of a prisoner of war to escape if he can;

*The reports of all the commanders on both sides are printed in Putnam's Rebellion Record, vol 6, pp. 401-415. But the editor should have punctuated them with the names of the several vessels referred to. Not being able in the darkness to identify the opposing ships, these commanders had to use descriptive phrases. Not one reader in ten thousand can now tell to what vessels these phrases apply.

and the duty of a captor to hold his prisoner if he can. By neglecting to follow up the capture of the Mercedita, by putting a prize master on board of her, it would seem pretty clear that Commodore Ingraham abandoned his conquest, and thereby relieved his prisoners from their parole.

Considering that, as Commodore Ingraham says, (in his official dispatch to Secretary Mallory,) "everything was most favorable for" the Confederate rams, the wonder is, that they did not achieve in fact what the Confederate commanders claimed to have achieved. Had the Confederate Captain Buchanan been in command of these rams, the result might have been different. The Confederate Rams passed within the shadow of a great opportunity ; but they failed to take advantage of it ; and it never occurred again.

During seven mortal hours after the battle, these rams lay at anchor, at the entrance of Beach Channel, waiting for the rising of the tide to take them back to the city. Most of the Federal vessels returned to their stations outside the bar in full view. I have been told, and can readily believe, that during this time, some of the younger officers and men of the rams became disgusted with the situation, and impa-

tient to resume the fight. Could the Confederate States have had, but for one hour, the services of Farragut, or of Porter ; or could the soul of one of those old Titans of the sea, under whom the English, French, Dutch, and American Navies won their great historic renown, have entered into and taken possession of Ingraham on that dark winter's morning ; how different might the course of events have been !

Having had but little personal connection at any time with the operations on the southern part of the coast assigned to the South Atlantic Blockading Squadron, my journal contains nothing touching various events which occurred in that region additional to what will be found in the narratives of the historians, to whose volumes I so often refer :—such as the destruction of the Nashville, which even Dupont calls a “privateer ;” the storming of Fort McAllister ; the bombardment and capture of Fort Pulaski ; and the capture of the Atlanta. One of the very best accounts of the battle between the Weehawkin and the Atlanta, June 17, 1863, will be found where one rarely looks for a graphic picture of a battle, in Judge Sprague’s decision condemning the Atlanta as a prize.*

*² Sprague’s Decisions, p. 253. The opinions of Judges Sprague, Lowell, and Blatchford, in prize cases, are valuable to the historian as well as the lawyer.

The battle between the iron-clads and the forts of Charleston, had been long in preparation ; and when it was finally fought, April 7th, 1863, it was witnessed and reported by many of the ablest writers in all the leading newspapers, both North and South. The best of the reports is that of William Swinton, the historian of the Army of the Potomac, in the *New York Times*.*

It is not my purpose to fight this battle over again ; but merely to correct some of the errors, and supply some of the omissions of the popular historians.

All of these writers state that General G. T. Beauregard commanded the Department, and Brigadier-General R. S. Ripley, the First Military District, at the time of the battle ; but none of them give the names of the subordinate commanders or of their commands.

Bragadier-General Trapier, commanding second subdivision of this district, was present at Fort Moultrie ; Brigadier-General Gist, commanding first subdivision, at Fort Johnson ; Colonel R. F. Graham, commanding third subdivision, on Morris Island, and Colonel L. M. Keitt, commanding Sullivan's Island, at Battery Bee, attending to their duties and awaiting the development of the attack.

*It is reprinted in Putnam, vol. 6, pp. 502-512, and with it is that of the *Charleston Mercury*.

The fortifications engaged were those which formed what General Ripley called his "first circle of fire." There were six of them—Sumter, Moultrie, Bee, Beauregard, Wagner and Gregg; and they were commanded and garrisoned as follows:—

FORT SUMTER—Colonel Alfred Rhett; Lieutenant Colonel J. A. Yates, and Major Ormsby Blanding, with seven companies of the First South Carolina Artillery.

FORT MOULTRIE—Colonel William Butler, and Major T. M. Baker, with five companies of the First South Carolina Infantry.

BATTERY BEE—Lieutenant Colonel J. C. Simkins, with three companies of the First South Carolina Infantry.

BATTERY BEAUREGARD—Captain J. A. Sitt greaves, with two South Carolina companies—one of Artillery and one of Infantry.

BATTERY WAGNER—Major C. K. Huger, with two companies of the First South Carolina Artillery.

BATTERY GREGG—Lieutenant H. R. Lessne, with a detachment of the First South Carolina Artillery.

Several companies of the Twentieth South Carolina Infantry, under Captain P. A. McMichael, stood on Sullivan's Island to repel any

attack by land ; while the Twenty-first South Carolina Infantry, under Lieutenant Colonel Dargan, occupied Morris Island, for the same purpose.

The Confederate iron-clads Chicora and Palmetto State, under Captain J. R. Tucker, lay above Fort Sumter, the principal point of attack, but took no part in the engagement.

Dupont led the attack with his pennant flying from the Ironsides. His ships advanced in single file—four monitors, the flag-ship, three monitors, and the iron-clad, Keokuk, as follows :

1. Weehawken, Captain John Rodgers ;
2. Passaic, Captain Percival Drayton ;
3. Montauk, Commander John L. Worden ;
4. Patapsco, Commander Daniel Ammen ;
5. New Ironsides, Commander Thos. Turner ;
6. Catskill, Commander George W. Rodgers ;
7. Nantucket, Commander Donald M. Fairfax ;
8. Nahant, Commander John Downes ;
9. Keokuk, Lieut.-Commander A. C. Rhind.

Captain Joseph F. Green lay outside with the Steamers Canandaigua, Housatonic, Unadilla, Wissahickon, and Huron, as a force in reserve. General Seymour lay below, with a military force, ready to assist the Navy by a descent upon Morris Island, or upon Sullivan's Island, or in any other way.

The sky and the sea shone like seas of glass, "the blue above, and the blue below;" no sound was heard, no shot was fired on either side, and not a man was seen on the decks of the monitors, as our turtle-backed fleet steamed along in front of Morris Island, until it came within range of Sumter. Then, at ten minutes past three, the batteries of that grim fort opened, and those on Morris and Sullivan's Islands promptly joined.

The ships of Dupont, formed in line of battle, (not "huddled helplessly together," as Boynton erroneously states,) instantly returned the fire of the forts. The thunder of artillery became terrific; the water seemed to boil and hiss, when struck by solid shot or exploding shell; clouds of smoke and flashes of fire filled the air for two miles, from Sullivan's to Morris Island.

The result is known to all. In thirty minutes Dupont became "convinced of the utter impracticability of taking the city of Charleston with the force under his command;" and every one of his commanders concurred in this view. Brave as Dupont was, the defences of Charleston had been so perfected by the Confederates, that he feared and said that "a renewal of the attack on Charleston would be attended with

disastrous results, involving the loss of this coast."* But the Rev. Dr. Boynton thinks that "Dupont was mistaken in all his main opinions."

Many writers have stated the number of guns engaged on the Confederate side to be 300; some, 350; and some, 400. But there were not 300 guns mounted in all the defences of Charleston; and the guns of the second and third circles of fire were not engaged.

The nine Federal iron-clads carried thirty-three guns, twenty-three of which were actually used. The six Confederate works mounted seventy-six guns, of which sixty-nine were actually used. No matter how often the experiment is made; as often as sixty-nine guns are used against twenty-three, afloat or ashore, I venture to predict that the sweet goddess of Victory will bestow her most bewitching smile on the party that has the heaviest artillery.

The Federals fired 139 fires—96 shells, 30 solid shot, and 13 cored shot. Of these, 55 struck the walls of Sumter, two of the shells passing through her walls.

The Confederates fired 2,229 shots, with 21,093 pounds of cannon powder, and hit the iron-clads 248 times.

*The reports of Dupont and his captains are appended to Secretary Welles' report for 1863, and reprinted, in substance, in the second volume of Boynton.

It is true, the guns of the Federals were of larger calibre than most of those on the Confederate side, so that the weight of metal was more nearly equal, (as General Ripley suggests;) and the Federals had also a broad mark to aim at, while the Confederates had much smaller targets;—but the advantage of position was clearly with the Confederates.*

Mr. Lossing suggests that, “Had a sufficient supporting land force been employed in vigorously attacking the Confederates on Morris Island, and keeping the garrisons of Battery Gregg and Fort Wagner engaged while the squadron was attacking Fort Sumter, the result might have been different.” It is seldom worth speculating on what might have been. But an answer to Mr. Lossing’s suggestion is found in the failure of all subsequent attempts to carry Wagner by storm, and in the terrible sacrifices of life which they involved.

Admiral Dupont remained in command of the South Atlantic Blockading Squadron three months after this repulse. During his command 32 prizes were taken at Charleston, although, it is to be noted, no part of the blockading fleet lay within the Bar, namely:—

*See the reports of the Confederate commanders in Putnam, vol. 10, pp. 517-585.

Albert, Aquilla, Anna Dees, Antelope, Amelia, Belle, Coquette, Cambria, Cora, Catalina, David Crockett, Dixie,* Emily St. Pierre, Elizabeth, Eliza, Flash, Guide, Hettawan, Havelock, Louisa, Maria, Mary Teresa, Mercury, Major E. Willis, Neptune, Patras, Providence, Princess Royal, Rebecca, Stettin, Sarah, and Secesh.

In his time, the Yacht America was captured by the Steamer Ottawa, and transferred to the Army. She is now in the hands of General Butler.

Besides Charleston, upwards of twenty other ports were guarded by this squadron ; and more prizes, in the aggregate, were taken at these other ports than at Charleston. Some of Dupont's prizes were very valuable, as the Atlanta, valued at \$350,000 ; the Cambria, \$191,000 ; the Lodona, \$246,000 ; the Princess Royal, \$360,000 ; the Stettin, \$226,000, etc.

Within two months after Ingraham's attempt to raise the blockade with the rams, three European men-of-war touched off the bar, and sent a boat to the city with dispatches to their consuls. I refer to the British Steam Sloop Desperate, February 27 ; the British Frigate

*She had been a privateer. See page 29. She was sold for \$30,000.

Cadmus, March 2, and the French Steamer Milan, March, 30.

In Dupont's time, no foreign vessel of war was prevented from visiting any blockaded port. This was in conformity with the proclamation of blockade and the practice of the most liberal nations; though at a later period, it was held by his successor that "the intervention of our lines of attack" prevented this.*

CHAPTER V.

Admiral Dahlgren in command—Descent on Morris Island—General Strong—Storming of Fort Wagner—Morris Island evacuated—Naval Assault on Fort Sumter—Blockade-running—Torpedo Attack on the Ironsides—Loss of the Weehawken.

Admiral Dahlgren relieved Admiral Du-
Pont, July 6, 1863. General Gilmore had pre-
viously relieved General Hunter, and a joint
movement was made upon Morris Island. Pre-
paratory to this movement, Folly Island, which
General Beauregard had not fortified at all, was
occupied by General Vogdes, who secretly, with
great adroitness, erected a battery on the north-

*Dahlgren's Maritime International Law, pp. 54-60.

ern extremity of the island, and placed 47 pieces of artillery in position within pistol shot of the Confederates, on Morris Island, without being discovered at all. The great importance of this bold achievement of Vogdes, will readily appear when one considers the position of this Island, which commands Stono Harbor, Stono Inlet, the water approaches to James Island, and the southerly extremity of Morris Island.

While most of the writers, on the Federal side, bestow little praise on Vogdes, Pollard takes occasion to give Beauregard a lecture for his "want of vigilance" in not guarding against this surprise.*

The historians of the War trace, more or less accurately, the progress of the descent upon Morris Island, henceforth famous in history; but none of them have caught sight of the striking and picturesque figure of the youthful General Strong, springing upon the lower forts with the agility of a deer, waiving aloft his sword, and shouting to his troops, "Come on, Brigade."

In jumping impatiently from the launch into the surf beating upon the beach, his high-topped cavalry boots were filled with water, and his clothes wet through. Thereupon he threw off his coat and hat, and sat down upon the bank,

**History of the Lost Cause*, p. 430.

while his faithful negro boy made a bootjack of himself, and remoyed the incumbrances. Time was then too precious to waste on hose, so Gen. Strong led the charge of July 10th in his stockings, getting his feet repeatedly cut by oyster shells at different points on the beach.

In the Romances, falsely called Histories, of different wars, one sees the General handsomely dressed, cavorting upon a horse richly caparisoned. In the grim and bloody reality, the General more often fights in a plight as un-presentable as that of the gallant Strong. Napoleon crossed the Alps wrapped in a grey over-coat and mufler, mounted upon an humble mule, led by a young mountaineer, who did not know him; but David paints him wrapped in imperial purple, bounding over the Alps upon a fiery stallion.

In all the annals of modern war, no example can be found where an army thus approached an enemy's shore in boats, landed under a fire of artillery and infantry, and dislodged the enemy from his fortifications. The descent on Morris Island almost recalls Cæser's descent on Britain, or the landing of William the Norman at Hastings.

It is remarkable that the *Charleston Mercury* foreshadowed this "assault from barges"

on the very morning it was made, but closed by saying, "We see no ground for agitation."

This descent would not have been attempted without the aid of the Navy. Admiral Dahlgren, with his flag flying from the Catskill, led four monitors over the bar at four o'clock in the morning, as follows :—

1. Catskill, Commander George H. Rodgers ;
2. Montauk, Commander D. McN. Fairfax ;
3. Nahant, Commander John Downes ;
4. Weehawken, Commander E. R. Colhoun.

These monitors approached as near to Morris Island as the depth of water would permit, and moved along in front of that island, shelling the Confederates vigorously as they retreated, and finally opening fire on Wagner. On that day, they fired 534 shell and shrapnell, and the Steamer Catskill was struck sixty times. Lieutenant-Commander Francis M. Bunce, with four navy howitzer launches, with picked crews, covered the landing, approaching Light House Inlet by way of Folly Island Creek, at day-break, and engaging the rifle-pits and batteries of the Confederates.

The regiments here engaged were the Ninth Maine, the Third New Hampshire, the Sixth and Seventh Connecticut, the Forty-eighth New York, and the Seventy-sixth Pennsylvania.

The Confederate force engaged numbered about seven hundred, and consisted of the Twenty-first South Carolina volunteers, Colonel R. T. Graham; two companies of the First South Carolina artillery, Captains John C. Mitchell, (son of the Irish refugee,) and J. R. Macbeth; and a detachment of the First South Carolina infantry, Captain Charles T. Haskell.

"Our men," says the *Charleston Courier*, "were exposed during the whole fight to a murderous fire from the four monitors, who hurled their enormous missiles with telling effect."

The Edgefield Advertiser said, the roar of the Federal guns was heard, and the reports counted, in that district, distant 130 miles.

Not since the capture of Port Royal, had the Federals achieved such important results with such small losses. Only fourteen were killed, and less than a hundred wounded; while the loss of the Confederates, in killed and wounded and captured, was 294. Captains Langdon Cheves and Charles T. Haskell, and Lieutenant John S. Bee, were among the killed; and among the wounded was Captain J. R. Macbeth, son of the Mayor of Charleston, and nine other commissioned officers.

After sleeping all night without tents, and almost without food, on the morning of July

11th, the Ninth Maine, the Seventh Connecticut and the Seventy-sixth Pennsylvania, under General Strong, made an assault on Wagner. The Seventh reached the ditch ; but the other regiments, especially the Pennsylvania regiment, then commanded by Major Hicks, failed to come up in support ; and Strong, with tears of grief and mortification rolling down his cheeks, exclaimed bitterly, " It is useless," and ordered a retreat.

The Confederate loss was very small—one officer and five privates killed ; one officer and five privates wounded. The loss on the Federal side has often been understated. The Confederates buried 95 of the Federals (chiefly of the Seventh Connecticut) within their lines, and captured 210 prisoners, eighty of whom were wounded. How many others were killed and wounded, I never learned ; but the correspondent of the *Philadelphia Inquirer* stated that 350 men who had been wounded in the assault, were carried in the Steamer Cosmopolitan to Hilton Head. Among the wounded was Lieutenant-Colonel Rodman of the Seventh Connecticut, and Major Hicks of the Seventy-sixth Pennsylvania, who was also captured.

Greeley, Harper, Lossing, Pollard, and others, couple the losses of the 10th with those of

the 11th, and their statements are confused and inaccurate.*

The second assault on Wagner was made on Saturday night, July 18. If the Federals had gained much by opening the "parallels," the Confederates had gained more by reenforcements from North Carolina and Georgia.

General William Taliafero, one of Stonewall Jackson's veterans, commanded the Confederate forces at Wagner, (Beauregard and Ripley being his superior officers,) which consisted of the Charleston Battalion, Lieutenant Colonel Gaillard and Major Ramsay; the Fifty-first North Carolina, Colonel McKeatchin; and the Thirty-first North Carolina, Lieutenant Colonel Knight. There were also two companies of the First South Carolina, Captains Tatum and Adams; two companies of the Sixty-third Georgia, Captains Buckner and Dixon; and Captain DuPass' company of light artillery;—all under Lieutenant Colonel Simkins. They were reenforced during the battle by the Thirty-second Georgia, Colonel Harrison. The guns of Sumter and Gregg joined with those of Wagner in pouring their fire upon the assaulting columns.

*Greeley, vol. 2, pp. 475-476; Harper, 740; Lossing, vol. 3, p. 202; Pollard, 431.

The assault was preceded by a terrific bombardment from the New Ironsides, from the five monitors, Montauk, (carrying the flag of the Admiral,) Catskill, Nantucket, Weehawken, and Patapsco, and also from the gunboats Paul Jones, Ottawa, Seneca, Cheppewa, and Wissahickon, as well as from several sand batteries on Morris Island.

This bombardment lasted eight hours, (not "forty-eight," as Pollard's types make him say,) during which nine thousand shell were hurled at the fated fort. It ceased only when darkness came on, and when its further continuance would have involved the slaughter of the assaulting column.

The brigades which Strong and Putnam led in this assault, were formed for this special service. Some of the regiments had never met before, and had never before seen their brigade commanders or the colonels who so soon succeeded them in command. Strange to say, many of those who fought in that terrible combat, cannot agree as to the composition of these brigades. Gen. Gillmore's statement of the composition of these brigades is not followed by Greeley or Lossing, and is not entirely correct.

Colonel Robert G. Shaw led the attack with the Fifty-fourth Massachusetts (colored).

Among the non-commissioned officers and privates was a son of the famous Frederick Douglass, with many other superior men. But at this time, all the commissioned officers were white. They went forward at "double quick" with great energy and resolution; but on approaching the ditch they broke: the greater part of them followed their intrepid colonel, bounded over the ditch, mounted the parapet, and planted their flag in the most gallant manner upon the ramparts, where Shaw was shot dead; while the rest were seized with a furious panic, and acted like wild beasts let loose from a menagerie. They came down first on the Ninth Maine, and then on the Seventy-sixth Pennsylvania, and broke both of them in two. Portions of the Ninth and Seventy-sixth mingled with the fugitives of the Fifty-fourth, and could not be brought to the fort. They ran away like deer, some crawling upon their hands and knees.

The Sixth Connecticut, Colonel John L. Chatfield, followed the Fifty-fourth, and made a furious charge. In spite of the most deadly fire, they leaped over the ditch, bounded upon the parapet, drove the Thirty-first North Carolina with the bayonet, and entered the south-east salient of the fort. It is a fact, (though Northern historians omit to mention it,) that this gallant

regiment took possession of the south-east angle of the fort, and held it for three mortal hours. But it cost a terrible sacrifice of life. The survivors fought with the dead bodies of their comrades lying three deep around them. Finally, for want of support, they surrendered ; few, if any, of them being able to get out.

General Strong exerted himself to the utmost to push on other regiments in support of the heroic Sixth. He placed himself at the head of a battallion containing what remained of the immortal Seventh Connecticut, and to them he made his last appeal.

Here Strong fell, mortally wounded, and the command of the column passed rapidly from one to another until every Federal colonel and lieutenant-colonel present at the fort had been killed, wounded or captured. When it finally broke, the ranking officer was Major Plimpton of the Third New Hampshire, who led its shattered fragments into the sheltering gloom.

What the column of Strong failed to accomplish, the column of Colonel Putnam was not likely to achieve. Colonel Chatfield was the senior Colonel ; he had commanded a brigade before, and was entitled to lead this second column ; but he waived his rank, declaring his preference to stand or fall with the Sixth. He had fallen,

mortally wounded, before Putnam's column advanced. The second charge was not less furious than Strong's. Putnam was killed almost as soon as he reached the fort; but his colonels continued the assault unflinchingly; falling back only when no possibility of success remained.

Putnam's own regiment, the Seventh New Hampshire, Lieutenant Colonel Abbott, distinguished itself greatly. The Confederates were moved to admiration by the resolute courage of the Forty-eighth and One Hundreth New York, Colonels Barton and Dandy, and of the Sixty-second and Sixty-seventh Ohio, Colonels Steele and Voris.

It was near midnight when the last shattered regiment recoiled from this terrible carnage; and the Confederates poured upon their flying foes a murderous fire of grape and canister. It was a retreat of unutterable horrors. Men fell from the ramparts of Wagner, sometimes breaking their limbs by the fall. They rolled one upon another into the ditch, and were drowned in the water or smothered by their own dead or wounded comrades falling upon them. They dragged themselves upon their hands and knees over the hills and ridges of sand.

To hundreds of poor fellows who lay, hour after hour, maimed and mangled, on the bloody

beach before Wagner, and, piled one upon another, in the ditches around it,—with their bones broken and their wounds bleeding,—choking with thirst and writhing in agony,—praying, crying, lingering, dying ;—it seemed as if morning would never come,—as if Nature herself felt outraged, and denied the light of day to a planet presenting so ghastly a scene. Seldom, indeed, has the glad sun risen, or the sad sea sobbed, over so horrible a spectacle. Blood, brains, bowels, bones, arms, legs, hair, fragments of bodies, black and white, all mingled together, with sand, mud, grass, water, patches of clothing, broken gun-stocks and gun-barrels, belts, bayonets, boots, shoes, and all the accompaniments of military art and life.

The Confederates say they buried six hundred of the Federal dead upon the ocean beach. The wounded who survived were taken to prison hospitals in Charleston, where, as "Personne" wrote, their blood flowed "by the bucketful." The wounds were generally severe, being inflicted at short distances, so that "amputations were almost the only operations performed."

The ladies of Charleston, as might have been expected, were moved to many acts of kindness towards these suffering soldiers ; and their sympathy brought upon them the slurs of

the local press as "troublesome and obtrusive persons in female garb," who ought to be "impressed into service as nurses."

Buried with his own sable soldiers, Shaw rests by the moaning sea,

"Like Scipio sleeping on the upbraiding shore."

The time may come, when the opposite sections of our restored Union will unite to erect here a monument to the memory of the heroes of both races, who fell on either side. Such a shaft would swell the heart and fill the eye of every departing and returning sailor. Pilgrims from afar would come to gaze upon it, and to lift their hats to it, and walk around it, and to be consecrated by meditating on its glorious memories. Of such a monument who would not say, with Webster at Bunker Hill, "Let it rise to meet the sun in his coming. Let the earliest light of the morning greet it, and parting day linger and play upon its summit."

No detailed report, by regiments, of killed, wounded and missing, on the Federal side, has ever, to my knowledge, been published. The general reports vary—from 1,500 to 2,500.

Among the killed were Colonels Putnam and Shaw, and Lieutenant Colonel Green of the ~~Sixth Connecticut~~. Among the severely wounded were General Strong and Colonel Chatfield,

N.Y.

(who died of their wounds,) General Seymour, and Colonels Barton, Jackson and Emery. Among the captured were Lieutenant Colonel Bedell of the Third New Hampshire, and Major Filler of the Fifty-fifth Pennsylvania.

The casualties among company officers were as fearful as among the field officers. The Fifty-fourth Massachusetts, (for example,) which went in under Colonel Shaw, came out, shattered and reduced one-half, under a boy lieutenant, with sergeants in command of its companies.*

The defence of Wagner was conducted with courage fully equal, and with military skill more than equal to the assault. The Confederate loss in killed, wounded and missing, was 174. Their greatest losses were incurred in their efforts to expel from the south-east salient the Sixth Connecticut, where the Federal dead were "packed as thickly as sardines." Among their killed were Lieutenant Colonels J. C. Simkins ~~and P. G. Gaillard~~, and Captains W. H. Ryan and W. T. Tatum, with other officers of superior merit.

Here, too, the gallant Major Ramsay, lawyer and scholar, Grand Master of the South

*In Siborne's History we read that, at Waterloo, even brigades fell to the command of lieutenants; a hundred officers (including ten generals) having been killed, and five hundred wounded, on the side of the Allies, and still more on the side of Napoleon.

Carolina Grand Lodge of Masons, was mortally wounded—not, however, by the assailants, but by an accidental shot from one of the garrison.*

When the flag of Wagner was shot down during the long bombardment, like another Sergeant Jasper, he lashed it to a mast and returned it to its place.

The history of this encounter has not yet been written, by any body, with satisfactory fulness and accuracy. Such of the facts as have been preserved, have been embroidered with curious and absurd fictions. Mr. Greeley, for example, says, that, "after advancing a few hundred yards under a random fire from two or three great guns," the Fifty-fourth halted for half an hour, during which it "was *addressed* by General Strong and its Colonel!" The innocent historian had evidently read and with childlike simplicity believed, the story that Napoleon paused and harangued the Guard before the final charge at Waterloo. The fact

*He was the first Master of Franklin Lodge, Charleston, in which it was my fortune, on taking up my residence there, to be initiated into the mysteries of symbolic masonry. It is remarkable as illustrating the universality of this order, that in the elaborate preamble and resolutions passed by that lodge on the occasion of his death, there is nothing which might not have been adopted by any Northern lodge.

is, the Fifty-fourth did not arrive till the brigades had been formed for this assault. Hence it happened, that it was placed so strangely, formed in two lines, in advance of the right of the first brigade, which was formed in line by companies, at half distance.

This glowing fiction probably arose from this fact : the step of the Fifty-fourth on starting was the "left oblique," and, naturally enough, these new troops crowded badly on the centre ; so that Shaw had to halt twice to "dress ranks," before they took the double quick.*

The only "address" given by Strong, at that time, was, "Forward, the Fifty-fourth"—as the only Waterloo "speech" from Napoleon to the Guard was, "Gentlemen, the road to Brussels."† No commander out of Bedlam ever thought of halting troops under fire to indulge in elephantine harangues or sesquipedalian orations.

The best account of the assault on Wagner is that of "Personne" in the *Charleston Courier*,

*If I criticise Greeley more than others, it is because, on the whole, I like him better than they. Lossing mixes the later incidents of this battle with the earlier events; and Harper passes them over in silence. Better things may be expected in the forthcoming volumes of the Count of Paris, touching the last years of the War.

†*Messieurs—Le chemin à Bruxelles.*

which none of the Northern historians seem to have seen.* But, like every other narrative of the combat which I have read, it is disfigured by errors. It were well if each surviving regimental commander made a separate report to the commander-in-chief, as is the custom in the Navy. But some of them, (like Colonel Strawbridge of the Seventy-sixth Pennsylvania,) would have little to report, that one would care to read.

Admiral Dahlgren has left us a detailed report on the services of the Federal fleet at Charleston from July 10 to September 8, 1863, which is accessible to all.† Whatever he has there omitted will doubtless be supplied in his memoirs now preparing for the press.

Had Wagner been attacked on the 10th, or 11th, with any thing like the force and resolution with which it was assaulted no the 18th, it might have been taken, and the lives of many hundreds of brave men saved. Many lives might also have been saved, had Putnam's brigade been pushed in earlier. It was ready

*See *Charleston Courier* of July 20, 21, 22, 24, 1863.

“Personne” was F. G. Fontane, who, like the Confederate General Whiting, passed much of his early life in Lowell, Massachusetts. Both were pupils of the Lowell High School. Cowley's History of Lowell, p. 172.

†See Putnam's Record, vol. 10, pp. 183-190. The same volume contains the reports of the Confederate commanders, pp. 534-557. See also Gilmore's Operations &c.

and waiting for the word of command while Strong's brigade was getting "pulverized." Stevenson's brigade should also have been pushed in to support Putnam. Greeley, Lossing, and the other historians, relying too much on Gillmore's account, omit to mention that this army was divided into three (not two) brigades, and that in consequence of Strong and Seymour being *hors du combat*, and Gillmore being too far in the rear, the third brigade received no order to advance till it was too late to save the battle. Gillmore should have posted himself at least near enough to the fort to know when Strong and Seymour fell, and to push in the supports in time.

On Sunday morning while many of the Federal dead and wounded were still lying on the beach, the Admiral sent Flag Lieutenant Preston and Surgeon Duvall, under a flag of truce, to the Confederate General, offering to send his own surgeons to take care of the Federal wounded. General Taliafero declined this offer. At a later period, the Confederates proposed that each government should send its own surgeons with medicines, hospital stores, etc, to minister to its soldiers in prison, but this was refused by the Federals.*

*See the conclusion of the *Vindication of the Confederacy against the charge of Cruelty to Prisoners*.

Six days after the battle Wagner, the Federal Steamer Cosmopoliton met the Confederate Steamer Alice, under flags of truce, midway between the fleet and the batteries, and exchanged 105 prisoners. While the exchange was making, the officers indulged in friendly conversation, and the Confederates, through their telescopes, scrutinized with curious interest the grim Ironsides, and her strange little turtle-backed consorts, the monitors.

On the night of August 5th, a Federal picket launch, with Acting Master Haines and twenty men, was attacked by the Confederate Steamer Juno under Lieutenant Porcher, inside of Cummings Point. Ten of the crew jumped overboard, but two of them, after swimming two miles, became exhausted, and swam ashore on Morris Island, and surrendered. The others continued swimming till they reached the picket ships, and were saved. The rest were captured.

On August 21, General Gillmore, having mounted several heavy siege guns so as to command the city, summoned General Beauregard to surrender! Under the circumstances, Beauregard would have been excusable if he had couched his reply in the prohibited word of the famous Cambronne, which Victor Hugo has almost sanctified in *Les Misérables*; but he was too polite

for that. At first he thought of treating it as the demand of the sock-and-buskin hero, General Bum. But upon the second thought he determined to treat it seriously, and "fired the Southern Heart," with a letter denouncing Gillmore for not giving him more time to remove the women and children before shelling the city. Finally he refused to move an inch, or to send away either "chick or child."

On the night of August 22, 1863, Sumter received one of those heavy bombardings which Admiral Dahlgren has included in the report already cited. The night was black with tempest. But by this time, the Navy had become familiar with the thunder of their heavy guns. Standing on the turret of the Patapsco, as the battle was about to begin, Captain Stephens recited to the officers around him, the whole of Bayard Taylor's "Crimean Episode," beginning,

"Sing us a song," the soldier cried,
The outer trenches guarding,
While the heated guns of the camp allied
Grew weary of bombarding.

So General Wolfe recited Gray's Elegy, rowing across the St. Lawrence to climb the heights of Abraham, where he fought and fell the next morning.

On the night of September 3rd, the Confederate Major Warley, who, had been wounded

during that day's bombardment, was captured with eight men, by the Federal pickets, while on his way in a boat from Morris Island to Charleston.

By the sixth of September, Gillmore's parallels and batteries had approached so close to Wagner as to ensure its capture at the next assault. All that day, a terrible bombardment was kept up, attended with many casualties to the Confederates; and General Terry was preparing for an assault the next morning. But during the night Taliafero quietly evacuated Wagner and Gregg, and shipped his forces to the city, leaving Morris Island in possession of the Federals.

A few nights before the evacuation, while the Confederate Steamer Sumter was transporting troops from Morris Island to the city, she was mistaken by Fort Moultrie for a Federal vessel, fired on and sunk. By this accident, five men were killed, others wounded, and twenty drowned. The rest numbering about 600 were saved by barges.

The feat of Commodore Perry in transferring himself and his flag to the St. Lawrence when the Niagara was destroyed during the battle on Lake Erie, has been greatly applauded.*

*For Perry's peculiar tactical methods and combinations, see Ward's *Naval Tactics*, pp. 76-80.

Captain T. H. Stephens, of the iron-clad Patapsco, performed a similar feat during the great bombardment of September 8, 1863. Commodore Rowan of the Ironsides, fearing that the Patapsco had attracted too much of the enemy's fire, signalled to him to "Drop down below." Whereupon, Captain Stephens coolly pushed off in his boat, pulled over to the Ironsides, and begged Rowan to let the Patapsco remain where she was. "Wait a moment," he said, "and see how completely my guns command Bee." Commodore Rowan waited, and Lieutenant Commander Bunce, the Executive Officer of the Patapsco, put in a couple of most perfect shots—seeing which, Commodore Rowan immediately replied, "Captain Stephens, stay where you are; you seem to have taken Battery Bee under your exclusive charge."

Not a word can be said to belittle the gallant feat of Perry. But I have known Admiral Dahlgren again and again to move about from vessel to vessel during the bombardments of Charleston forts, and have myself accompanied him in his barge on more than one such occasion.

On the night of September 8, 1863, a gallant attempt was made to carry Fort Sumter by storm. Major Stephen Elliott, who had relieved

Colonel Rhett in command of the fort about the time when Gillmore reported that he had demolished it, made the following report :—

"Having for several nights expected a boat attack, I had one-third of the garrison under arms on the parapet, and the remainder so posted as to reinforce with promptness. At 1 A. M. this morning I saw a fleet of barges approaching from the eastward. I ordered the fire to be reserved until they should arrive within a few yards of the fort. The enemy attempted to land on the southeastern and southern faces; he was received by a well directed fire of musketry, and by hand-grenades, which were very effective, demoralizing him; fragments of the epaulment were also thrown down upon him. The crews near the shore sought refuge in the recesses of the foot of the scrap, those further off in flight. The repulse was decided and the assault was not renewed.

"His loss is four men killed, two officers and seventeen men wounded, and fifteen officers and ninety-two men captured. We secured five stand of colors and five barges; others were disabled and drifted off. One gunboat and Fort Johnson and the Sullivan's Island batteries enfiladed our faces, and contributed to prevent the renewal of the assault. Many of the shots

struck the fort. The garrison, consisting of the Charleston Battalion, behaved admirably; all praise is due to Major Blake, his officers and men, for the promptness and gallantry displayed in the defence. Not one of my men hurt. One of our gunboats assisted during the fight."

This gallant attempt to storm a "demolished" work has been the subject of repeated misrepresentation. Lossing says, "a portion of the men of the squadron attempted the important enterprise of surprising and capturing Fort Sumter, *without Gillmore's knowledge.*" Greeley says, "no notice was given to, and of course no cooperation invited from, General Gillmore..."*

Admiral Dahlgren says, in a narrative which, I trust, will yet be published:—

"It was arranged that the columns should co-operate—that of the squadron moving outside of Cummings' Point, and that of the army from the inside. It was past midnight, on the 8th September, when a fine naval column of 450 picked men, well officered, pushed rapidly at the gorge and South East faces, landed, and ran up the *debris* of the gorge wall. The enemy opened a rapid and destructive fire from above, while Moultrie and Johnson flanked with a fire of shells our boats and uncovered men. Thus the attack

*Lossing, vol. 3, p. 210. Greeley, vol. 2, p. 481.

on a fort which Gen. G. assumes he had demolished, necessarily failed. So much did I desire the expected co-operation of the land column, that I went in person to the scene of action to secure the connection, but it came not. Gen. G. says his troops were detained by low tide until after the naval attack had failed, which seems far from satisfactory in view of the fact that it was near midnight when Lieut. Preston returned from Gen. G. with the assurance that the concerted action was understood and arranged."

A part of the correspondence in relation to this joint assault has been printed in Gillmore's book; the rest of it will probably appear in the Admiral's Memoirs, now in preparation by his devoted and accomplished widow. The following dispatch is all I need offer to vindicate the truth of history against the errors of Greeley and Lossing :—

SEPT. 8TH.

ADMIRAL DAHLGREN:

I deem it of vital importance that no two distinct parties should approach Sumter at the same time for fear of accident. I will display a red light from the fort when taken—I ask you to do the same if your party mounts first. Our countersign is "Detroit." Let us use it in challenging on the water.

(Signed,) GEN. GILLMORE.

Among the officers here captured were Lieutenant Commander E. P. Williams, who afterwards perished with the ill-fated Oneida; Lieutenants S. W. Preston and B. H. Porter, who were killed at Fort Fisher, the former of whom was attached to Admiral Dahlgren's staff.

Our historians have wandered far from the facts in their statements touching the commerce of Charleston pending our blockade. Whatever may have been the "misinformation" upon which Mr. Welles founded the statement in his report for 1863; Greeley, Lossing, Boynton, and others, writing two or three lustrums later, have no excuse for saying that "as soon as our iron-clads were within the bar," July 10, 1863, "the harbor of Charleston was entirely stopped."*

Mr. Greeley is here more deeply in error than others; he attributes this result to "the terrible missiles of Gillmore." The fact is, blockade running was not stopped, and never could be wholly stopped, without more vessels than Dahlgren ever had until after the fall of Wilmington. There are six different channels to Charleston, of such configuration that vessels of light draught, taking advantage of dark nights, could elude the vigilance of the blockading fleet.

*Boynton, vol. 2, p. 486; Lossing, vol. 3, p. 210; Greeley, vol. 2, p. 482.

Here is an advertisement from the *Charleston Courier* of December 17, 1863 :

BLOCKADE STOCKS.

BEE,
CHICORA,
COBIA,
PET.

For sale by H. H. DeLEON.
461, King-street, opposite Citadel Square.

The same paper contains a much longer advertisement from the Bee Company, of which the editor says :—

“These gentlemen have already sold upwards of \$700,000 worth of goods, which has saved to the purchasers at least \$150,000 to \$200,000 on the previous ruling prices.”

The following paragraph from the *Charleston Mercury* of April 26, 1862, shows how boldly the blockade-running was carried on, before the establishment of the inside blockade by the capture of Morris Island ; it is a sample of many more :—

“On Saturday last, nine sailing vessels among which were the schooners Wave and the Guide, started from this harbor to run the blockade. Just as they were crossing the bar they encountered the United States gunboat Huron, Lieut. Downes, and other blockading vessels, which immediately opened fire. The Wave, the,

Guide, and two others of the nine sailing vessels, were forced to yield. The crews were detained as prisoners on board the enemy's ships until Wednesday last, when those who had been taken aboard the Guide were landed on Gibbes Island."

On November 13, 1863, the *Mercury* announced the payment of handsome dividends by three blockade-running companies, one of them being \$500 per share.

During the whole of Dupont's command, the Charleston newspapers reported the arrival and departure of vessels from that port as regularly and as openly, but of course not as numerously, as before the war. Even after Dahlgren established his iron-clad fleet inside the bar, and posted his pickets every night in the throat of the harbor, between Sumter and Moultrie, these arrivals and departures were from time to time announced, but more guardedly, except when the blockade-runner had been run aground, or badly shelled.

We have been accustomed to berate the commercial classes of Great Britain for exporting goods to the Confederate States, in violation of our blockade. But probably more goods were carried into the Confederate States through the instrumentality of merchants in the United States than by all the merchants of Europe.

More secrecy was observed by those residing in New York, who engaged in this business, than was observed in running the blockade of Mexico; but it is none the less true, that, in the Civil War as in the Mexican War, the munitions of war were furnished in very large quantites to the enemies of the United States by citizens of the United States. Good old Horace Greeley used to say, not only in his despondent hours, but also in his more hopeful moods, that the ideas and vital aims of the South were "more generally cherished" in New York than in South Carolina or Louisiana.*

But I am satisfied that by far the greater part of the importing and exporting business that was carried on in violation of our blockade, was carried on, not by clandestine merchants of the North or of Great Britain, but by the Confederate Government itself, by the Bee Company of Charleston, and similar organizations at Wilmington, Mobile, and other ports, together with the various mercantile firms of the South.

The moral and religious sense of the South was not at all offended by this traffic. *The Southern Christian Advocate* applauded the Chincora Importing and Exporting Company of Charleston for bringing through the blockade,

*American Conflict, vol. 2, p. 8.

gratis, twenty cases of Scriptures for the Southern Bible Societies, when the freight thereon would have been \$10,000; and also for prohibiting the importation of any spirituous liquors upon their steamers.

The attempt of Lieutenant W. T. Glassell to blow up the Ironsides with the torpedo steamer David, October 5, 1863, was equal in audacity and adroitness to the more successful attempt of Lieutenant Commander Cushing to blow up the Ram Albemarle. With his little cigar-shaped boat, he ran into the centre of the inside blockading fleet, in the night, and steamed for the Ironsides. When hailed by the officer of the deck, he answered, "A boat from the Live Yankee—I am coming alongside,"—at the same time shooting the hailing officer,* and exploding the torpedo which projected from his bow. Fortunately, the Ironsides escaped serious injury, and captured Glassell and one of his crew. The David and the rest of those on board returned in safety to Charleston.

On November 4, 1863, four of our scouts effected a landing at the southeast angle of Fort Sumter. After reconnoitering in the darkness for a few minutes, they were hailed by the sentry, but they escaped.

*Acting Ensign Charles W. Howard. He was buried on Morris Island.

On the night of November 19, 1863, General Gillmore made an attempt to surprize and capture Fort Sumter. He asked no aid from the Navy ; but Admiral Dahlgren, hearing of it, and anxiously desiring its success, ordered his pickets to cover the assaulting party. His private journal contains the following entry, dated November 20th :—

“ Last night the Army undertook to feel the force in Sumter, and sent 200 men in boats for the purpose. At 30 yards a dog barked and aroused the garrison, which fired, wounding two of our men. The rumor was, the night before, that an attack was to be made, and I ordered the monitors on picket to cover our men. At 3 in the morning I was aroused by a report that a musketry fire had opened from Sumter. A few shots were fired by the forts, and then there was quiet. Our party concluded that there were 200 men in Sumter.”

The thoughtful care of the Admiral for the Army column on this occasion shines by contrast with the failure of Gillmore to support the Navy column on September 6th.

On November 29, according to the Charleston newspapers, (which had published daily the number of shot and shell fired upon the city, since August 22,) the first fatal casualty occur-

red ; a negro being killed by a Parrott shell. Two days later, a Mrs. Hawthorn was mortally wounded by a fragment of shell. The use of St. Michael's spire as a target for the Federal artillery, provoked a blast from William Gilmore Simms, which began thus :—

“ Ay, strike, with sacrilegious aim
The temple of the Living God ;
Hurl iron bolt, and seething flame,
Through aisles which holiest feet have trod ;
Tear up the altar, spoil the tomb,
And, raging with demoniac ire,
Send down, in sudden crash of doom,
That grand, old, sky-sustaining spire.”*

On December 6th, the monitor Weehawken suddenly sunk at her anchorage off Morris Island. Both Greeley and Lossing attribute this disaster to her hatches being left open when a gale came on ; but neither of them can have seen the testimony taken before the naval court of inquiry convened on that occasion, or that court's findings, though the entire record was printed. The Weehawken had probably been more seriously injured by getting aground, three months before, than was discovered at the time ; and her loss was probably caused by the parting of the hull proper from the “overhang,” to which the hull was secured by rivets. The story of the gale coming on and filling her through

* *Charleston Mercury*, December 2, 10, 1863.

the hatches, is without foundation.* Thirty-one of her crew went down with her.

Another "life" was lost, which "the dignity of history" has not deigned to notice. The crew of the Weehawken had a pet. (What man-of-war's crew has not?) It was a noble chanticleer, who felt as much at home on this iron-clad as in his own native barnyard. He had many "taking ways," and had done many things that his proud ship-mates loved to tell of. When the Atlanta was captured, and Captain Webb came aboard the Weehawken to give up his sword, Chapman strutted to the ship's side, and "took a look" at the captain; he then mounted the pilot-house, flapped his wings, and crowed lustily three times; giving "the honors of war," in behalf of the United States, to the distinguished prisoner. When the Weehawken got aground one day, near Fort Sumter, and lay with her hull badly exposed, shelled by the Confederates, and in desperate peril of destruction, Chapman paced the deck in pensive silence for four hours. But as soon as she had been got off, without loss, he mounted the pilot-house, and poured from his melodious breast a song of thanksgiving and joy, which was reechoed from the walls of Sumter. Never did he hear the crew "piped

*Greeley, vol. 2, p. 484; Lossing, vol. 8, p. 211.

to quarters," but his voice

"Rose like an anthem rich and strong," to second the call. After having thus "braved the battle and the breeze" during the whole cruise, this noble fowl was "sucked down" with the Weehawken, and perished miserably with the ship of which he was the pride and boast. "If he had been killed in one of them long bombardments," said an "old salt," who had survived him, "I shouldn't have felt so bad. That's what we all expect. But to see him fluttering on the waves and going down like a mere land-lubber; it's too much for me to think of." Then lifting his sleeve to wipe the similitude of a tear from his starboard cheek, he added, "I tell you, Judge Cowley, on the word of a man, I'd rather 'a' lost half my prize money than have lost the cock of the old Weehawken."

CHAPTER VI.

Heroic Endurance of Charleston—Destruction of the Housatonic and the Maple Leaf by Torpedoes—Capture of the Columbine and the Water Witch—Dahlgren's Council of War—Attempt to Surprise Fort Johnson—Bombardment of the Batteries on the Stono—Battle of Honey Hill—Battle of Devaux's Neck—General Sherman at Savannah.

The war had lasted nearly three years, when William Gilmore Simms published, in Charleston, his famous Ode, "Souls of Heroes," the third stanza of which ran thus:—

"There are thousands that loiter, of historied claim,
Who boast of the heritage shrined in each name,—
Sting their souls to the quick, 'till they shrink from the
shame,
Which dishonors the names and the past of their boast;
Even now they may win the best guerdons of Fame,
And retrieve the bright honors they've lost!"

No wonder that many faltered, for the conflict had involved terrible sacrifices of life and treasure; and the dream of Southern Independence was farther from realization than when Anderson hauled down his flag at Sumter. But the spirit of the proud leaders remained unbroken. Haskell, Cheves, Bee, Simkins, Ramsay, Ryan, Pringle, Gary, Blum, Frost, Harleston, and many more—the flower of the youth of Charleston—had fallen in the bloody struggle; but others came forward with alacrity to carry on the conflict. All ages and both sexes suffered. "A fire consumed her young men, and her maidens were not given in marriage."

"Our City by the Sea, as the Rebel City known," had earned her title to a fame hardly less than Tyre, Syracuse, Jerusalem, La Rochelle, Londonderry, Saragossa, or Genoa, for the lion-

hearted courage and resolution and the heroic constancy and endurance of her people.

If some had become reckless and desperate, it was no more than happens in all wars. No such demoralization prevailed at Charleston as was witnessed at Wilmington, which (as Captain Wilkinson observes) "was infested with rogues and desperadoes, who made a livelihood by robbery and murder. It was unsafe to venture into the suburbs at night, and even in daylight there were frequent conflicts in the public streets, between the crews of the steamers in port and the soldiers stationed in the town, in which knives and pistols would be freely used."

On February 17, 1864, Lieutenant Dixon ran outside the Bar with the David, and repeated upon the Housatonic the experiment of Glassell upon the Ironsides. The David was seen and hailed by the watch officer of the Housatonic, but it was too late. The David exploded her torpedo with fatal effect; but both went to the bottom together. The boats of the Canandaigua saved most of the officers and crew of the Housatonic; but Ensign E. C. Hazeltine, and four others, one of whom bore the famous name of Theodore Parker, perished. Lieutenant Dixon and all who were with him shared the same fate.

Many a man-of-war, and many a merchantman, bears upon her books names that have been

assumed, (as that of this great "heretic" preacher probably was,) to conceal the true name, and to efface the memory of the man who bore it. How many life tragedies have ended thus! I have known ship-masters, bankrupt merchants, broken clerks, unhappy husbands, members of the bar, physicians and clergymen, who had been beaten on the race-course of life, finding the shelter and oblivion, for which their hearts yearned, in the Navy, shipping as George Washington, John Adams, or Benjamin Franklin, but more often and more humbly, as John Smith, John Jones or John Brown.

The Federal Army Transport Steamer *Maple Leaf*, was also sunk by a torpedo, April 1st, 1864, in the St. John's River, Florida. Nine days later, another steamer of the same sort, the *General Hunter*, was destroyed, and her quarter-master killed, in the same manner in the St. John's.

If one David lay at the bottom of the sea, other torpedo-boats, built cigar-wise, were ready to carry on the work of destruction. The Steamer *Memphis* was attacked by one in the North Edisto, March 6th, and the Steam Sloop *Wabash* by another, off Charleston, April 18th; but both were beaten off.

Other attempts were made at various places to capture or destroy vessels of this squadron.

The Steamer Marblehead, attacked in the Stono, off Legareville, on Christmas Day, 1863, made a determined resistance, which, with the aid of the Pawnee and other vessels, was successful. But the attack on the little Steamer Columbine in the St. John's, May 23rd, and that on the Water Witch, in Ossabaw Sound, June 3rd, were successful. Each of these vessels was suddenly boarded in the night by an armed force too powerful to be conquered, and became a prize to the Confederate States.

Hundreds of casualties on both sides, occurred from the precision of aim of the sharp-shooters. While General Taliaferro was in command of Wagner, Captain Waring, of his staff, was shot dead by a minnie ball from one of our sharp-shooters, twelve hundred yards distant, while standing by the side of his chief. I have myself seen a sentry shot dead on Cummings Point by a minnie ball from Sumter, five-eighths of a mile distant.

Frequent as these casualties were, hardly any one ever guarded against them. The Duke of Wellington, I may say, regarded such acts as murders. They never decide any thing.

General Samuel Jones succeeded General Beauregard as Confederate commander of the Department of the South. On the Federal side,

General John G. Foster relieved General Gillmore. Admiral Dahlgren having obtained leave of absence, Commodore Rowan took command of the squadron *ad interim*.

On resuming his command in May, 1864, the Admiral held a council of his nine iron-clad captains touching the feasibility of another naval attack on Charleston. All these officers expressed themselves ready and willing to engage in another attack with the greatest alacrity; but their judgment was against it. Only two voted in favor of an attack; and these were among the youngest holding commands,—Lieutenant Commanders George E. Belknap and Joseph N. Miller; while seven voted in the negative, one of the seven being Commodore Rowan.

If this prudence did not suit everybody, it was enough for the Admiral, that it was approved at the time by the Navy Department and afterwards by Sherman. In a letter to the Admiral, at the close of the War, General Sherman wrote—what he has again and again said in substance in my hearing, both before and since—“I now thank you in person for not having made the hazardous experiment; for when the time did come to act seriously, your fleet was perfect, well manned and admirably

suited to aid me in the execution of the plan which did accomplish the fall of Charleston, and more too."

"In war," said Napoleon, "it is always and everywhere difficult to know the truth." Some time after this council was held, a clamor was raised because Charleston had not been taken, and two members of Congress called at the Navy Department to urge that the Admiral should be relieved by an officer of a more belligerent mind. The question was put to these gentlemen by Mr. Fox, "Whom do you recommend for this place?" "Well: Commodore Rowan," was the reply. "He is a fighting man; he is there chafing on account of the backwardness of the Admiral. Put him in command, and he will go into Charleston right off." Fancy the blank looks which these Congressmen exchanged with one another, when Mr. Fox read to them the Admiral's dispatch inclosing the report of this council of war; by which it appeared that he had again and again changed the form of the question voted on, with the view to get from the council a vote in favor of an attack, while Commodore Rowan and the rest of these officers voted *seven to two* against the proposition in every form. One of the Congressmen, General Hawley, who fought like a Trojan under

Stevens at Secessionville, frankly owned his mistake, and avowed his determination never again to meddle with matters out of his own sphere.

Let no one draw from this an inference unfavorable to the great merit of the present gallant and honored Vice Admiral of the Navy. His record throughout the War, especially while in command of the Ironsides, is full of proofs of his undaunted courage and extraordinary professional skill.

The Admiral afterwards told me that, if he could have got from this council a vote that would justify an attack, he would have made it, whatever the result might have been. I recalled to his attention the proverb, that councils of war never fight, and Orme's explanation of that proverb,—that "as the commander never consults his officers in this authentic form except when great difficulties are to be surmounted, the general communication increases the sense of risk and danger, which every one brings with him to the consultation."*

I also cited to the Admiral all the examples I had met with in history, where brilliant victories had been won, on land and sea, in battles which had been fought contrary to the advice of such councils.

*Orme's History of Hindustan, vol. 2, p. 171.

As I expatiated on the battle of Plassy, which was fought by General Clive after a council had voted 13 to 7 against fighting, and on which Great Britain founded her Indian Empire,—the Admiral answered me:—

“And havent there been as many examples to the contrary? There was Benham over here (pointing across Morris Island towards Secessionville.) He fought against the advice of his commanders; and you know the result. My first business is to hold this coast. I am to run no risk of loosing this coast, for the sake of taking Charleston.”

At that time, the captains and pilots of blockade runners received from \$1,000 to \$5,000, besides perquisites, for a single successful trip, occupying a week. Common seamen were paid \$100 a month in gold, and \$50 bounty at the end of every successful voyage.

I had been of counsel, at an early period of the War, for the keeper of one of the Charleston hotels, and had succeeded in inducing Mr. Welles to release him from Fort Warren, where he had been incarcerated for running the blockade. And I should be sure of a welcome reception from him if I went to Nassau, and thence took passage in one of those long, low, narrow, lead-colored, short-masted, rakish-look-

ing blockade runners to Charleston. I thought that, with from \$10,000 to \$25,000 I could hire pilots, in Nassau or in Charleston, to pilot our iron-clads to the city, and I offered to try the experiment; though well aware that, in case of discovery, I should die the death of a spy, like Major Andre and Colonel Hayne.

If a blockade-runner could enter Charleston with a good pilot, so (it seemed to me) could our iron-clads, with one of the same pilots; no matter how many torpedoes might lie along the channel. But the Admiral had to look at the question from other points of view;* and the attempt was not made.

According to the report of General Gillmore, "it was the constant and studied practice of the Confederate commanders to circulate exaggerated and erroneous reports concerning the means of defence;—and to such an extent and with such skill was this ruse made use of, that with few exceptions, neither the inhabitants of the city, nor the troops defending it, possessed any correct knowledge of the channel obstructions.

"Such a semblance of necessary and systematic labor in their construction, management, and repair, was kept up, and such an affectation of secrecy concerning their real character and

*Dahlgren's Maritime International Law, pp. 17, 78.

of confidence in their efficiency was assumed, in order to keep all knowledge or suspicion of the huge fiction from us, that the blockade-runners themselves knew almost nothing of the really harmless character of the hidden obstructions they were told to avoid."

And General Gillmore contends "that there was nothing in the shape of channel obstructions or torpedoes that could prevent or seriously retard the passage of our fleet up to Charleston city or above it, in 1863 and 1864, by using the channel left open for blockade-runners ; that such channel obstructions and torpedoes as did exist, were not regarded by the enemy as at all formidable, or likely to afford them much protection in the event of an actual attack ; and that at no time during the war was their condition any better, or their efficiency any more to be relied on, to delay the passage of a fleet, than when the city came into our possession in February, 1865."*

But if General Gillmore supposes that it was the submarine obstructions alone that prevented this council from favoring, or the Admiral from making, another attempt to cap-

*Supplementary Report to Engineer and Artillery Operations against the Defences of Charleston Harbor, pp. 25, 27.

ture Charleston in 1864, he is greatly mistaken. How serious the torpedo and other submarine obstructions were, sufficiently appears in the affidavits and reports appended to Mr. Welles' Report for 1865, pp. 252-300. But these were by no means the only obstacles.

The officers who sat in this naval council, as well as the Admiral, saw that, while Gillmore, with the aid of the Navy, was engaged in capturing Morris Island and destroying the offensive power of Sumter, the genius and resources of Beauregard and his able lieutenants created other and more powerful defensive works inside of Sumter. So that Ripley could justly boast that his second and third "circles of fire" were now more to be relied on than his first circle at the time of Dupont's attack. Pollard puts it well when he says, Beauregard "had replaced Sumter by an interior position, had obtained time to convert Fort Johnson from a forlorn old fort into a powerful earthwork, and had given another illustration of that new system of defence practiced at Comorin and Sebastopol, where, instead of there being any one key to a plan of fortification, there was the necessity of a siege for every battery, in which the besiegers were always exposed to the fire of others."*

*Pollard's *Lost Cause*, p. 437.

On June 13th, 1864, General Ripley, the Confederate commander of the First Military District of the Department, sent a letter by flag of truce to General Schimmelfennig, the Federal commander of the District, informing him that five generals and forty-five field officers of the Federal Army, prisoners of war, had been confined in Charleston, in a part of the city which was exposed, day and night, to the fire of the Federal guns. A copy of this letter was at once forwarded to the Admiral, who denounced it as "a threat to murder," for which Generals Jones and Ripley should be hanged, if they were taken. But we had as many places where Confederate shells fell as they had where our shells fell; and it was determined to retaliate.*

The place finally selected by General Jones for the confinement of Federal prisoners of war, was the Charleston Race Course. It is strange, that while the horrors of Andersonville, Saussbury, Libby, and Belle Isle, have been recited, more or less at length, in scores of narratives, the hardships of the Charleston Race Course have been left unnoticed and unsung.

Although the Federal Army and Navy at once threatened to retaliate, it was brutal busi-

*See the correspondence on that subject, in Welles' Report for 1864, pp. 351-355. It is of ten-fold greater interest than much of the matter found in the histories.

ness ; and human nature shrank from it. Three months later, however, General Jones was notified by flag of truce that six hundred Confederate officers, prisoners of war, had been confined, under the fire of the Confederate shells, in a stockade, near Cummings Point, Morris Island; that they had been provided with tents, and with supplies of food approximating as nearly as possible the rations allowed by the Confederates to our prisoners ; and that whenever General Jones should remove the Federal prisoners from under our fire, and should give notice by flag of truce of that fact, these six hundred Confederate officers would be removed from under the Confederate fire.

To the reproach of humanity, the Confederates persisted in keeping hundreds of our prisoners upon the Race Course at Charleston. "Here," wrote James Redpath, "upon an open field, without shelter from burning sun or bleaching storm, our poor boys were turned out to sicken and die. Their beds at night were the sods of the earth—their habitations only such burrows as they could excavate with their hands in the sandy soil. Two hundred and fifty-seven of these unfortunate heroes never left the enclosure alive, and were buried upon the spot where they threw off their mortal armor." Of

course, the retaliatory stockade on Morris Island was maintained as long as the Race Course outrage was continued.

Early in the morning, on Sunday, July 4th, 1864, two regiments of infantry, the One Hundred and Twenty-seventh New York, and Fifty-second Pennsylvania, with a detachment of sixty men from the Third Rhode Island Artillery, all under the command of Col. William Gurney, embarked in boats from Morris Island, hoping to effect a landing on James' Island, and to surprise and capture Fort Johnson and Battery Simkins. These works are about two miles nearer Charleston than Cummings Point. This movement was made in consequence of information that the Confederate garrison then on James' Island, had been reduced to a skeleton. It was a bold movement, and promised brilliant results. I could not resist the impulse to accompany the assaulting party as a volunteer, as one or two other naval officers did. But the embarkation of the troops was delayed two hours beyond the time assigned, and the tide had gone down, so that some of the boats got aground, and failed to reach James' Island. That portion of the assaulting party that reached the island was even more unfortunate. Colonel Gurney, of the New York regiment, without the knowledge of his command,

remained on Morris Island, and in his absence the command devolved upon Colonel Hoyt, of the Pennsylvania regiment, who, however, seems not to have been aware of the fact. He was separated from his command, and taken prisoner. Lieutenant Colonel Conyngham, upon whom the command now devolved, looked about for Colonel Hoyt, and became a prisoner himself. Then ensued confusion baffling description.

One company of the New York regiment and the Rhode Island artillery-men landed unobserved within fifty yards of Fort Johnson ; they were soon discovered by the garrison ; but upon one volley being fired, some officer,(I could never learn whom,) gave the order to retreat to the boats, and thus this opportunity to capture these important works was lost. The Confederate force then on James' Island was small—some reports putting it as low as 150. Our loss in killed, wounded and captured must have exceeded the whole number of men in the two forts assailed; for we lost 137 enlisted men and six officers.

At the late Mr. Greeley's request, I placed in his hands my notes of this well-conceived but abortive movement, to be used in his American Conflict. He seemed well pleased to get these notes, but probably never looked at them again. No mention is made of this affair in his book,

nor in any other history of the war,* although, as Admiral Dahlgren said, "it came near deciding the fate of Charleston."

It is related that once in their agony for want of a good general, the Scots exclaimed, "O for an hour of Dundee." With Gurney lagging behind, with Hoyt and Conyngham captured, with no known commander to direct them; with batteries opening upon them from all directions,— "cannon to right of them, cannon to left of them"—in their supreme need of a general, our troops looked anxiously to the mound where Strong, Putnam, Chatfield and Shaw, had led their forces to the jaws of death; and then made their way back to the place of embarkation. More fortunate than many others, I escaped, with only a flesh wound from a shell.

During the week following this attack on Johnson and Simkins, the monitors Lehigh and Montauk, and the Pawnee, McDonough and Racer were actively engaged in bombarding the

*It was reported in Mason's dispatches to the *New York Herald* of July 12, and more fully in the *Herald* of August 1st, which led to the convening of a court of inquiry touching the conduct of Colonel Gurney. The findings of the court have not been made public; but General Schimmelfennig, in a conversation with me, confirmed the strictures in the *Herald*. See letters and orders appended to Mr. Welles' Report for 1865, pp. 252, 346.

batteries in the Stono. Admiral Dahlgren's dispatches contain an account of these operations, which our historians pass by unmentioned. General Foster cooperated, three of his lieutenants playing important parts—Generals Hatch, Binney, and Schimmelfennig. The last named officer rose very high in the esteem of both Army and Navy. When the history of our Civil War is written as it should be, his services will ensure his renown ; albeit

“——his dissonant, consonant name
Almost rattles to fragments the trumpet of fame.”

Some of the most interesting chapters yet to be written in the history of the War, are those relating the operations of sailors and marines when transferred to the shore, and organized as naval land batteries and sailor infantry. Two such batteries, with four guns each, were formed by Admiral Dahlgren in November, 1864 ; and they were supported by four half companies of sailor skirmishers, and four companies of marines.*

Commander Preble was placed in command of “the Fleet Brigade,” as this force was called ; and he has given an account of it in the Preble Family Memorial. Although it

*Dahlgren's Dispatches, with Welles' Report for 1865, pp. 215—220, 346 ; Preble's Dispatches, *Ibid*, 308—312.

bore an important and distinguished part in all the engagements on the Tullifinny and the Coosawhatchie, this brigade is scarcely mentioned in the histories of the War. The object of these operations was to cut the Charleston and Savannah Railroad, and prevent the Confederates from sending troops to oppose Sherman in Georgia, by employing them here.

This object was largely accomplished, but not without considerable loss; the Confederate commanders having a perfect knowledge of the country, while the Federal commanders knew nothing of it, and again and again mistook the way. The most unfortunate battle in which the Fleet Brigade participated, was that of Honey Hill, November 30th.

Besides the Fleet Brigade, three brigades of General Foster's army participated, commanded, respectively, by General Hatch, General Potter, and Colonel A. S. Hartwell of the Fifty-fifth Massachusetts Infantry; together with two batteries of the Third New York Artillery, and two companies of the Fourth Massachusetts Cavalry.

The Thirty-fifth United States Colored Troops led the assault, but stuck in an impassable marsh which lay in front of the Confederate Battery. There, a galling fire of grape and can-

ister, as well as musketry, was opened upon them, and they were forced to retire.

Colonel James C. Beecher (half-brother of Henry Ward Beecher) followed; but his regiment, the Thirty-second United States Colored Troops, could not get near enough to produce much effect. So with other regiments: the Fifty-fourth and Fifty-fifth Massachusetts: the Fifty-sixth, One Hundred and Twenty-seventh, One Hundred and Forty-fourth, and One Hundred and Fifty-seventh New York; the Twenty-fifth Ohio; the Thirty-fourth and One Hundred and Second United States Colored Troops.

Although necessarily fighting at a disadvantage, with the enemy behind entrenchments, and themselves completely exposed, the Federal troops fought nobly during seven hours. Previous to the battle there were three hours of hot skirmishing.

The Confederate loss in this battle was insignificant. The Federal killed, wounded and missing, numbered 740.

Among the wounded was the Rev. Colonel Beecher, and Lieutenant Colonel E. C. Geary.

The best account of the battle of Honey Hill is that of Samuel W. Mason who was present, in the *New York Herald* of December 9th, 1864.

Better success was achieved the following week at Deveaux's Neck. After two engagements on December 6th and 7th, the railroad was cut, and ten Confederate regiments, which otherwise might have made trouble for Sherman, were detained and kept on the defensive.

It was the universal testimony of the officers present, both of the Army and Navy, that the sailors and marines behaved admirably in camp and battle. It was particularly remarked by Army officers, that from the Fleet Brigade there were no stragglers. So far from our tars requiring to be forced to face danger and death in any form, it was necessary to compel them, by threats of punishment, to avoid exposing themselves recklessly. Bayard Taylor said or sung :

“The bravest are the tenderest;
The loving are the daring.”

I have seen many illustrations of this. But I have also seen many examples to the contrary. The insensibility displayed by our motley force of whites, blacks, mulattoes, and octoroons, on the Tullifinny and the Coosawhatchie, was revolting. I have again and again heard our men carelessly shout, “You are gone up,” to their comrades falling mortally mangled by their side. Familiarity with the horrors of war tends always to make men brutes. For example : after the battle of the Pyramids, (as Miot relates,) the

whole way through the desert of Egypt was tracked with the bones and bodies of men and horses that had perished in those dreadful wastes. In order to warm themselves at night, the French army gathered up the dry bones and bodies of the dead which the vultures had spared, and made fires with them. By a fire composed of this fuel Bonaparte and his jaded Generals lay down in the desert of the Pharaohs to sleep!*

General Sherman burned the city of Atlanta on November 15th, 1864; and cutting loose from his base in the West, struck out boldly to find a new base in the South Atlantic Blockading Squadron and in the seaboard which that Squadron had captured three years before, and still held. In saying this I do no injustice to the Army in this Department, which, as General Schimmelfennig said, "could at no time be considered in any other light than as a landed force serving to render the blockade more effective."

It has been argued that "the Grand March," was really a retreat; that Sherman had moved too far from his base when he advanced from Chattanooga to Atlanta; and could not have escaped destruction, had he remained

*See Miot's *Memoirs of the War in Egypt*, and Rocca's *Memoirs of the War in Spain*.

where he was. President Davis was weak enough to call it a retreat and to predict for Sherman "the fate that befell Napoleon in the retreat from Moscow."

But to my mind this argument only enhances the magnitude of the movement. Has any captain since the days of Alexander ever conceived such a *retreat?* When, by any movement, a commander accomplishes all the substantial result of a hundred victories, he has a right to call that movement by the term that best pleases him.

Sherman had not been cavorting over Georgia many days before we learned from Confederate deserters that he was moving at the rate of fifteen miles a day, probably towards Savannah or Port Royal, but possibly towards Pensacola, or even Mobile. On the 25th, we learned that he had reached Milledgeville, and was "smashing things." Exactly where Sherman would meet us, we knew, must be determined by circumstances. So the Admiral made preparations to meet him at Savannah River, at Wassaw Sound, at Ossabaw Sound, at St. Catherine's Sound, and also at Brunswick. Red, white, and blue rockets were sent up every night by our gun-boats at all these points, to inform the Army that the Navy was near. On

December 12th,* Captain Duncan and two scouts, after having drifted down the Ogeechee in a canoe, brought the Admiral a note from General Howard, of Sherman's right wing. They left Howard on the evening of the 9th, and reached the Fleet in Ossabaw Sound on the afternoon of the 11th.

On the next day, General Kilpatrick, Sherman's Chief of Cavalry, communicated with the Bark *Fernandina*, Acting Master Lewis West, one of our squadron, in St. Catherine's Sound.

On Monday morning, December 12th, I was sitting as Judge-Advocate of a Naval General Court Martial in the cabin of the Steamer *Canandaigua*, Captain N. B. Harrison, at Port Royal, trying Francis Anderson for stealing \$600 from Walter Allen, Paymaster of the monitor *Nantucket*, (now editor of the *Boston Daily Advertiser*,) when the little Steamer *Dandelion* ran in at full speed with Captain Duncan and General Howard's dispatch.

This gratifying news spread like wild-fire. It was wig-wagged from ship to ship—handkerchiefs being used where flag signals were not at

*See the reports of Sherman and his generals in Putnam's *Rebellion Record*, vol. 9, pp. 5, 6, 7, 16, 24, 166 Also, the dispatches of Dahlgren and his commanders, appended to Mr. Welles' Report for 1865. Also Sherman's *Memoirs* etc.

command. While the Admiral was dictating dispatches to Secretary Welles at Washington and to General Foster up the Broad River, to inform them of the fact, I sent the glorious intelligence by the Steamer Queen to the *New York Herald*, which must, *of course*, announce the great arrival of Sherman "in advance of all other journals."

The excitement, the exhilaration, ay, the rapture, created by this arrival, will never be forgotten by the officers and crews of the Federal vessels who then saw the beginning of the end of the war, and of their own wearisome service.

The Admiral at once started South in the Harvest Moon. As soon as the trial of Anderson was finished, the flag of the Naval General Court Martial was hauled down; and the Canandiagua followed the Admiral to the South. Fort McAllister fell on Tuesday; and on Wednesday, December 14th, General Sherman himself came on board the Harvest Moon in Wassaw Sound, and remained with us all night. It was arranged that Savannah should be attacked simultaneously by the Navy in front, and by the Army in the rear, and on the next day the Admiral carried the General to Fort McAllister, (which General Hazen's Division had captured

two days before,) where General Sherman left us to rejoin his Army.*

Already the idol of the Army, this brilliant officer became equally the idol of the Navy. The General and the Admiral at once became personal friends and faithful and indefatigable coadjutors, and so continued to the end. The severities of the service and the loss of his son had told heavily upon the Admiral; but from the day when he caught the light of Sherman's bright eyes as he stepped on board the Flagship in Wassaw Sound, he seemed to grow younger and more buoyant every day. The increasing elasticity of his mind is manifest in all his dispatches. Writing on that night to Secretary Welles, while the jaded General lay near him asleep, the Admiral said,—“I cannot express to the department my happiness in witnessing and assisting in this glorious movement, so acceptable to our great country. My only wish now is to do my part.”

How faithfully he did that part, the General has repeatedly attested in words of the warmest praise. The affection which the Ad-

†See Report of Secretary Welles for 1874. The dispatches printed with the Reports of the Navy Department for 1864 and 1865, contain full accounts of many transactions not recorded elsewhere. This mine has been little worked by the historians.

miral bore towards General Sherman was warmly reciprocated. No doubt, no suspicion, ever started on either side: their hearts were as guileless as they were brave; and they were incapable of envy or jealousy. Most fit it was that, five years later, when the Admiral died suddenly upon his lounge, in Washington, the first that viewed his lifeless form (outside of his own family) was the illustrious General whom he met on that memorable day in Wassaw Sound.

General Sherman came aboard again three days later, and proceeded with us in the Harvest Moon to Port Royal, where arrangements were made to reenforce the Army at the head of the Broad River with Carman's Brigade, with the view to get possession of the Charleston and Savannah Railroad, and prevent the escape of General Hardee and the Confederate Army in Savannah. On the night of December 20th, General Sherman again came on board the Harvest Moon, and proceeded with the Admiral first by the Flag-ship, and afterwards (when she grounded) by the Admiral's barge, to Ossabaw Sound. Just before reaching Ossabaw next morning, the Army Steamer Red Legs brought a dispatch from Captain Dayton, Sherman's adjutant, with news that Hardee had evacuated

Savannah the night before, and retreated to Hardeeville. The Confederate commander saw the scheme of Sherman to shut him up in Savannah and there capture him. So he

“Folded his tents like the Arabs,
And silently stole away.”

Early in the following evening, the Admiral received a note from Sherman, enclosing telegrams from Howard, saying that the Confederate Steam Ram Savannah, Commodore Tatnall, lay out of Howard's reach, and adding—

“TATNALL INTENDS TO RUN THE BLOCKADE TONIGHT!”

Never had Dahlgren received a more suggestive message. Could it be, that the Confederate Navy had rallied its powers on the approach of death? Would Tatnall repeat with the Savannah the experiment of Webb with the Atlanta? If he did, the Nantucket and the Passaic lay in his path, and the fate of Webb would probably be Tatnall's too.

But war has its accidents. Might not a daring and experienced officer, like Tatnall, possibly pass our fleet? *He might*,—though the chances were strongly against him. Had he succeeded in running the blockade with the Savannah, he might have turned South and raised the blockade of every port as far as the Gulf of Mexico, by ramming and sinking or

driving off every one of our blockading ships. What damage might he not afterwards have done, whatever course he had taken? But —never mind what he might have done—he attempted nothing brilliant at all. He blew up both his iron-clads, and fled.

On December 21st, the Admiral transferred his flag to the Steamer Wissahickon, Lieutenant Commander Andrew Johnson, and we proceeded up the Savannah River, accompanied by the Steamer Winona, Lieutenant Commander Dana, and two tugs. At four o'clock we anchored at Elba Island, a short distance below Savannah; and the channel obstructions making it dangerous to push the vessels up further we proceeded to the city in the tugs. The Army of Sherman had already entered Savannah from the rear. The General himself followed the next day, and established his headquarters in the stately mansion of Charles Green on Macon street, opposite St. John's Episcopal Church.

None of us will ever forget the delight with which we viewed the commercial emporium of Georgia, sitting like a fair crowned queen upon a high bluff, where the proud, lordly river bends with a graceful curve, and folds (as it were) his great arm lovingly around her. The poets, both

great and small, of our squadron, poured out copious effusions on this occasion, which were printed by the flag-ship press and in the papers of the city. One of these, perhaps, might be spared by an indulgent critic. It began thus:—

“My heart with rapture greets thee,
Savannah, O, Savannah.”

Hardee's rear guard had not reached the left bank of the river before General Leggatt's Division entered the city. A bright little Jewess living on one of the great squares of the city, said to me a few days later,—“When we retired, the tent lights of our soldiers glimmered in the square, the same as usual. The following morning those tents were gone, and others pitched in their stead, occupied by blue-coated Yankees.” Not wishing to give offence to the dark-eyed daughter of Abraham, I spoke of the city as “occupied” merely by us. In an unguarded moment I used the word “captured.” It had barely passed my lips, when she replied with indignant emphasis, “Our city has not been captured, Sir. Your General Sherman only came here to save himself from being captured by General Hood. Our army was short of stores, and General Hardee, who is a personal friend of mine, has merely gone away for supplies. He will return very soon, and if your army don't get

aboard your gunboats and leave this city, General Hardee will take them prisoners every one."

The city was barren of provisions, alike for man and beast. Sherman's foragers and his "bummers," who were excellent judges of horses, had picked up some thousands of them on their march. Many of these perished for want of food in Savannah; many others were killed to save their board. For a time, there was danger of famine. But this peril soon passed; the weather was delightful; the scenery was beautiful; rapid communication was opened with the North, and all were happy. The order that prevailed was remarkable. Savannah was as quiet as it ever was. No scenes of drunkenness, debauchery and ruffianism, such as soon afterward disgraced Wilmington, were witnessed there.

The intercourse of the officers of the Navy with the officers of the Army while at Savannah was most cordial and joyous.

Upon getting acquainted with Sherman's commanders, I formed a high opinion of almost every one of them. Their confidence in each other and in their chief was great, and it was well placed. Great as is Sherman's military renown now, I cannot but think that it will shine with a richer lustre hereafter.

Though no Puritan, he has some of the traits of Oliver Cromwell. Historians say that Crom-

well "was accustomed to unbend among his officers in a manner that none but a man with a kind heart and a good conscience could do;"—a remark which I often recalled on seeing Sherman's easy familiarity with the officers of the Navy as well as those of the Army. His hearty appreciation of the alacrity with which the Admiral and all the officers of the fleet responded to all his desires, was often expressed. Calling at his head-quarters in Savannah, one morning, while he was planning his march through the Carolinas, I collected and took with me some of the best maps that we had aboard the flag-ship, of the region he was to traverse. "Just the very thing I wanted," he exclaimed, with exuberant joy. When I told him the Harvest Moon and the Pontiac had been placed at his service to transport his right wing to Beaufort, he exclaimed, "Why, your Admiral anticipates all my wishes."

That he is capable of unbounded wrath, Secretary Stanton, General Halleck, and many others, learned to their sorrow. But I never, except once, saw him exhibit any but the noblest and pleasantest, ay, the sweetest, traits. Even his most serious hours were irradiated with flashes of gaiety that recalled the traditional *elan* of Napoleon.

The time, the only time, when I saw him displeased, was when he received news of the manner in which Butler "craw-fished off," (as Sherman expressed it,) after landing at Fort Fisher. In consequence of the failure of Butler on that occasion, it was doubtful, for some days, whether Sherman's army would not be ordered to proceed to North Carolina by sea, and thus be prevented from cutting their expected swath through South Carolina.

One reads with surprise the remark of the Rev. Dr. Boynton, that, although "much important service was performed" by the Navy, about this time, "particularly at Charleston and Savannah," yet the limits of his work do not allow "more particular mention" of that service. One wonders why it is that "the assistance which the Navy rendered the army of Sherman, after it reached the sea, cannot be adequately presented in "The History of the Navy during the Rebellion." Where else should one look for it—especially when all the compilers of more general narratives pass it over almost in silence?

The bombarding of Charleston and its defences continued intermittently, month after month, each day's operations being a repetition of the last. I here give the record of one day, as a sample of hundreds:—

On January 29th, 1864, 156 shots were fired at the south angle of Fort Sumter, 139 of which struck. The bombardment began at daylight and ceased at dark. One hour's work repaired the damage which the fort sustained during the day. In the afternoon the flagstaff was shot away; and the following account of the replacing of it is from a journal kept by a Confederate officer in the fort:—"it was first replaced upon a small, and afterwards upon a larger staff by Private F. Shafer, Co. 'A,' Lucas Battalion, who stood on the top of the traverse, and repeatedly waved the flag in sight of the enemy. He was assisted by Corporal Brassinham and Private Charles Banks of the same corps, and by Mr. H. B. Middleton of the Signal Corps, who was acting as adjutant of the post in the absence of the regular officer. They were exposed to a rapid and accurate fire of shells. At the close of the scene, Shafer, springing from the cloud of smoke and dust of a bursting shell, stood long waving his hat in triumph. It was a most gallant deed, and the effect upon the garrison was most inspiring."

The Christmas holidays brought to the Admiral at Savannah, information from Captain Scott, senior naval officer off Charleston, that Commodore Tucker, the commander of the Con-

federate naval forces in Charleston, meditated a raid on the blockading fleet with his three Iron-clads, Chicora, Palmetto State, and City of Charleston, assisted by several torpedo boats like the David. It certainly would have been creditable to Tucker to have made one more effort to enhance the fame of the Confederate Navy. If he had not destroyed or beaten off the blockading fleet, he could, perhaps, have run the blockade, stood out to sea, and fought a gallant fight with such wooden steamers as pursued him. But while he meditated, the Admiral reenforced the fleet off Charleston; and by New Year's Day, no less than seven of the turtle-backs lay ready to give Tucker a warm reception. The result was, no raid was attempted.

CHAPTER VII.

Fort Fisher—Death of Preston and Porter—Loss of the Patapsco by a Torpedo—*Bon Mot* of Farragut—Destruction of the Dai Ching—Occupation of Charleston and Georgetown—Captain Belknap's Memorandum—Charleston Prizes—The last of the Blockade-Runners.

While General Sherman remained at Savannah, and the Admiral's flag-ship lay in the river below, I had my last opportunity to meet Lieutenant Preston, formerly of Dahlgren's staff, who, after being captured at Sumter and subsequently exchanged, had been attached to the staff of Admiral Porter. I made a visit to the fleet off Wilmington, running up the coast in the prize Julia. The weather was extremely bad, and we encountered a gale which would probably have been fatal to our rickety craft, had it not been "on our quarter," or behind us.

The Julia lay low in the water ; and with her convex deck which covered her half-way from her stem to her waist, she cut through the waves instead of leaping over them. The strain on her was fearful. She shivered in every part, and could not have shaken worse if she had had a violent attack of St. Vitus' Dance. I was never more impressed with the awe, the power, and the mystery of the Sea, than when tossed about in this fragile ship, which seemed ready at any instant to break in two or in three and leave us to the mercy of the pitiless storm. Still, perhaps, it is this awe, this power, this mystery, which lends to the Sea its most powerful attraction. Somebody says— *

Strip this old world of all its mystery, discover its last and uttermost secret, and I am sure I should

find it a stupid and dreary place to live in. I believe in God, not because I know him, but because I do not know him; because he is mysterious, the profound, the infinite; because he is ever and forever Unknown. If my thought once could capture him and make him its prisoner, it would immediately tire of him and seek for a greater. Any thing that we can draw a circle around straightway becomes no longer a goal, but a point of departure. Hence, then as I stand before Old Ocean, I hail it as a type of the infinite. My soul revels in its vastness. Thankful for all it reveals, I am still more thankful for all that it only suggests. Here I have that sense of inward expansion, of soul-quickning, of slow up-climbing and out-reaching of thought, which is always the effect of standing in the presence of any great, grand, inspiring object in Nature or in art. No wonder sailors are superstitious. The sea is more than they can understand, familiar as they are with it. It speaks to them in an awful voice; it deals with them in most impressive ways. It is at once their cradle and their grave.

At length, the storm ceased, and before we reached Porter's flag-ship there was a great calm. My recollections of that visit are most pleasant; though saddened by the reflection that I shall never again see, on this earth, my gallant friend, Preston, nor his gallant shipmate, Porter, who was his comrade in the attack on Sumter, his com-

rade in the fleet under Admiral Porter, and finally his comrade in death at Fort Fisher. As I was about to proceed to Fortress Munroe, Preston said, "Call and see us on your way back. We'll take a walk through the city together." I replied, "I hope we shall, but you are going on another forlorn hope, (alluding to the assault on Sumter, and the expedition with the powder-boat, as well as to the part which he was soon to take in the second assault on Fort Fisher;) and God alone knows how it will end."

'Well, it's a fact,' he said, "that both of us have had poor luck in volunteering to do more than our own particular duty. You had your leg smashed, and I had to rust in a rebel prison. This thing that we are going into at our next attack, is really soldiers' business, and not just the thing for sailors; but I hope we shall come out all right. One thing I can tell you: we shall take Fort Fisher next time, whatever may become of me. For myself, I feel a good deal like Byron when he said,

'Here's a sigh for those who love me,
And a smile for those who hate;
And whatever fate's above me,
Here's a heart for any fate.'

"That's well put, Preston," I rejoined; "but there is another verse of Byron's—the last he ever wrote—which comes to my mind just now:

' Seek out—less often sought than found—
A soldier's grave, for thee the best;
Then look around, and choose thy ground,
And take thy rest."

Here Lieutenant Porter joined us. Mutual good wishes were exchanged, and we parted—never to meet again this side immortality. On the fifteenth of that month, (January, 1865,) Preston and Porter led a column of fourteen hundred sailors and marines in an assault on the sea-face of Fort Fisher—a work calling for a column of from six to ten thousand men;—Fort Fisher fell, but both these brave officers fell with it.

Preston possessed the elements of a great commander. He was loved and admired by all who knew him.* I shall not forget the cheerful tones of his invitation: "We'll take a walk through the city together." They rang in my ears when, a few months later, I did "take a walk through the city" of Wilmington. Though alone, I felt that I was not alone; and if the souls of heroes, ascended to glory, ever return to the scenes of their earthly life, then I know that Preston was indeed present with me; and

*One of his admirers wrote an appreciative ode on him in the *Army and Navy Journal*, beginning,

"Fallen at a stroke, and in an hour forgot!
O, brave young spirit, can this be the lot
Of all that great ambition that would soar
Above all heights that men had reached before?"

the interest that I felt in that city was doubled by the thought that it was for this that Preston had died.

In anticipation of another naval attack on Charleston, the Confederate Torpedo Corps laid many new torpedoes along the channel by which our vessels must pass, if they attempted to reach the city. On the night of January 15th, the monitor Patapsco passed over one of these newly laid torpedoes, which exploded under her, sending her to the bottom with eight officers and fifty-four men. One old boatswain who survived the loss of this vessel, grimly remarked, as he came on board the flag-ship, with his clothes dripping wet, "We were told to dredge for torpedoes, and nobody need cry because we found one." A remark not unworthy to be bracketed with the following *bon mot* of Admiral Farragut. When he was fighting his great battle below New Orleans, one of the best of his ships, the Mississippi, was badly rammed by the Confederate Ram Manassas. The smashing which she received was fearful: but Farragut merely remarked, *You can't make omelettes without breaking eggs!*

On January 26th, the steamer Dai Ching got aground in the Combahee, exposed to the fire of a Confederate battery. She was courageously

defended by Lieutenant Commander J. C. Chaplin and all his officers and men for seven hours, during which she was struck upwards of thirty times, and her decks shot through in seven places; she was destroyed. Acting Ensign Franklin S. Leach, commanding the tug Clover, having disobeyed positive orders of his superior officers, and deserted his duty during the combat in which the Dai Ching was lost, was at once relieved of his command, placed under arrest, and turned over to me for trial by a Naval General Court Martial. The case was clear and the offence grave. But President Lincoln had often expressed his unwillingness to approve a sentence of death for offences committed in the Navy; and the conduct of the accused had previously been good. The sentence of Leach was dismission from the service and five years' confinement at hard labor in the penitentiary; and it was approved by Secretary Welles. A part of it was afterwards remitted by President Johnson.

After the occupation of Fort Fisher and Wilmington, Charleston alone remained accessible to blockade-runners; and although a portion of Porter's fleet was transferred to Dahlgren, and the blockade made tighter than ever, the necessities of the Confederate Army prompted those engaged in this business to run the most

desperate risks ; and, for a time, Maffit, Wilkinson, and others of the most noted blockade runners, turned their eyes towards Charleston.

On February 1st, Captain Maffit in the Owl, Captain Wilkinson in the Cameleon, (formerly the noted Tallahassee,) together with the Chicora, the Carolina, and the Dream, left Nassau with supplies for the army of General Lee. "The proud army which, dating its victories from Bull Run, had driven McClellan from before Richmond, and withstood his best effort at Antietam, and shattered Burnside's host at Fredericksburg, and worsted Hooker at Chancellorsville, and fought Meade so stoutly, though unsuccessfully, before Gettysburg, and baffled Grant's bounteous resources and desperate efforts in the Wilderness, at Spottsylvania, on the North Anna, at Cold Harbor, and before Petersburg and Richmond," was actually in peril of famine,* and well deserved these efforts for its relief.

The Stag and Charlotte were captured ; the Owl had a shot through her bows, and went back ; the Chicora got in and out again, and returned to Nassau on February 23, with news of the evacuation of Charleston. "As we turned

*American Conflict, vol. 2, p. 745. Here it is that the generous Greeley, laying down pen and spectacles, and waving aloft his historic white hat, wafts to the Confederate Army a proud and tender farewell.

away from the land," says Wilkinson, with a touch of real pathos, "our hearts sank within us, while the conviction forced itself upon us, that the cause for which so much blood had been shed, so many miseries bravely endured, so many sacrifices cheerfully made, was about to perish at last."

General Sherman moved like a thirty-day clock. His march through Georgia occupied a month; he staid at Savannah a month; he cavorted through the Carolinas in a month. The incidents of his advance through the Carolinas, far more important than his march through Georgia, have been recorded in a terse and graphic style in Sherman's own Memoirs, and need not be repeated here.

By February 7th, Sherman had reached Lowry's, and he wrote to Dahlgren in cypher: "Watch Charleston close. I think Jeff. Davis will order it to be abandoned, lest he lose its garrison as well as guns."

Beauregard, who had, for the third time, been placed in command of this Department, viewed the situation as Sherman did. Hardee, who had succeeded Ripley in command of the Charleston District, concurred with Beauregard. But Davis took a different view, and was incensed at Beauregard and Hardee for evacuating

Charleston. General Sherman gave the Confederate President credit for more military sagacity than he really possessed.

General Foster had suffered so much from an old wound, that he became unfit for active service, and on February 9th, he was relieved by General Gillmore. The manner in which Gillmore writes, in his supplement, of the movements made by the army in his Department, as well as by Admiral Dahlgren's fleet, in cooperation with Sherman, is misleading. None of these movements were serious. They were all feints. The advance of Hatch's brigade towards Charleston along the line of the Charleston and Savannah Railroad; the advance of Potter's brigade, and of Captain Stanley's fleet up Bull's Bay; the advance of the Ottawa and Winona on the Combahee; the operations of the Pawnee and Sonoma on the Togadoo and Wadmelaw; the bombarding of the batteries on the Stono by the Lehigh, Wissahickon, McDonough, Smith and Williams; in a word, all that was done in aid of Sherman, was done, as Sherman expressed it, "just to make the enemy uneasy on that flank," and prevent the concentration of his forces against Sherman's army.

Some of the incidents of the day when Charleston was "repossessed," have been relat-

ed by Greeley and by Lossing,* but none of the historians of the War relate the movements of our fleet on that day. Captain George E. Belknap, who commanded the advance picket monitor, *Canonicus*, on the night of February 17th, furnished me the following:—

"U. S. S. CANONICUS, PORT ROYAL, S. C.

Memorandum for Judge Cowley concerning the Evacuation of Charleston.

On the night of February 17th, 1865, the monitor *Canonicus* had the advance picket duty, supported by the monitor *Mahopac* and several tugs and picket boats. The wind was fresh from the N. W. Throughout the entire night the army and naval batteries on Morris Island kept up a heavy fire on the rebel batteries on Sullivan's Island, to which the rebels replied by an occasional gun from Moultrie during the first watch. Heavy explosions were heard in the direction of James' Island. Towards morning, heavy fires broke out in the city, and explosions occurred from time to time. At break of day, all the tugs and picket boats, with the exception of the tug *Catalpa*, returned to the bar anchorage.

About 6.30, a. m., the *Canonicus* got under way, and steamed up the channel towards Fort Moultrie, the *Mahopac* and the *Catalpa* follow-

*Greeley, vol. 2, p. 702; Lossing, vol. 3, p. 464.

ing ; but the air was so hazy, and so filled with smoke, that only a dim outline of the city and the adjacent islands could be seen. About 7.30, a. m., the sun cleared the atmosphere a little, and the *Canonicus* approached to within long range of Moultrie, and threw two shells into that work, being, as events afterwards demonstrated, the last hostile shots fired in the siege of Charleston. These shots eliciting no response, a tug was immediately despatched to Captain Scott, senior officer present inside the bar, to inform him that no movement was discoverable on Sullivan's Island. The rebel flag was still flying there, however, as well as on Castle Pinckney, Fort Marshall, and in the city ; and some twenty minutes after throwing the shells into Moultrie, a magazine blew up in Battery Bee. Judging from these indications that a party of rebels still remained on the island to complete the destruction of their stores and magazines, it was not deemed prudent to risk a boat's crew on shore until the state of affairs was better known, nor, (with the recent fate of the *Patapsco* staring us in the face,) was it deemed justifiable to risk the *Canonicus* in a further reconnoisance up the channel.

Soon after the explosion in Battery Bee, all hands were piped to breakfast, and the *Canon-*

icus steamed slowly down towards Wagner Buoy, passing the Mahopac on our way down. When nearly down to Wagner Buoy, an Army boat was observed to push off from Cummings' Point, and pull in the direction of Sumter; and a few minutes later, a boat, showing a white flag, was discovered pulling over from Sullivan's Island. The Canonicus was immediately put about, and was soon steaming up the channel again at full speed. A boat was also manned, and armed, and sent in charge of Acting Ensign R. E. Anson, to land on Sullivan's Island, and bring off the rebel flag, flying on Moultrie, if possible. In the meantime, the Army boat and a boat from the Mahopac had communicated with the boat carrying a flag of truce, and now all three boats were pulling for the coveted prize—the Moultrie flag. The Army boat had the start, however, and after a hard pull reached the beach a few lengths ahead of the other boats. Mr. Anson then changed his course, and landing at Fort Beauregard, hoisted the national colors on that work; the Mahopac's boat, pulling in the opposite direction, soon put the flag on the flag-staff of Battery Bee. Slow-matches, leading into all the principal magazines, had been fired, but all, with the exception of the one applied to the magazine at Battery Bee, failed to go off.

While this exciting scene was being enacted, another boat pushed off from Battery Gregg, on Cummings' Point, filled with our soldiers, who, in a few minutes, occupied Sumter, and placed the flag again on the ruins of that work. As the officer jumped ashore with the colors in his hand, the crews of the Canonicus and Mahopac joined with the Army in nine rousing cheers at the glorious termination of all their trials and discomfitures, anxieties and hard work, at this fountain-head of treason and rebellion. A little later, the tug Catalpa steamed into the harbor, and took possession of Mount Pleasant Battery, while a boat from the Catskill landed at Battery Marshall. By this time Captain Scott had arrived at the front, and about one o'clock the Admiral arrived, and went up to the city in the Harvest Moon. The evacuation of Sullivan's Island must have been very hurriedly conducted, as the guns and ammunition were left in perfect condition, very few of the former being spiked. In some of the batteries, cartridges were found lying on the gun carriages, and projectiles immediately under the muzzles of the guns, as though they had been abandoned in the act of loading.

The last shot fired at the naval branch of the seige, was fired from a rifled gun in Moultrie, at the Canonicus, on the 4th of February.

The projectile was an eight-inch shell, and struck the ship just abaft the smoke-stack, exploding on the impact, but doing no other harm than cutting away a boat davit.

May 12, 1865.

GEORGE E. BELKNAP."

Landing on Sullivan's Island, some time after, I found silence, solitude and desolation on every side. I examined all the fortifications, not forgetting the solitary grave of Osceola; and then, like the priest in the Illiad, I

"Silent went to the billowy beach of the vast and voiceful sea."

Gazing on the wrecks, old and new, of blockade runners, strewn all along the beach, and on the many deserted works of defence, hearing no sound save the melancholy plashing of the waves, I thought of the awe-inspiring scene which lives forever on the canvas of Tintoretto—showing the earth, desolate and disordered, as it may appear when the race of man shall have passed away.

Passing up the channel, we gazed intently through our glasses upon the fortifications forming the second and third circles of fire, of which we had heard so much; piloted by a pilot lately captured from a blockade-runner, whom the Fleet Captain threatened with immediate death if he ran us upon a torpedo; and, finally, with a

tumult of conflicting emotions, we landed on the wharf safely.

And thus, after a siege which will rank among the most famous in history, Charleston became ours. "A scarred city," it was, as Pollard well says, "blackened by fire, with evidences of ruin and destruction at almost every step." All the aspects of Nature were delightful. The warm sunshine, the fresh air, the foliage of the wild orange, the palmetto, the roses in bloom, the violets, the geraniums, &c., were as delightful as when Macready landed in Charleston, twenty-one years before.* He says, "The white houses, with their green verandahs and gardens, were light and lively to me, and the frequent view of the river afforded often a picturesqe termination to the street."

But the grass was growing in the deserted streets, and scarcely a white face was to be seen. To the Afric-Americans, it seemed as if the trumpet of Gabriel had really sounded, and the "year of jubilee" had come. They went into ecstacies as they thought that, at last, at last, they were free. Never, while memory holds power to retain anything, shall I forget the thrilling strains of the music of the Union, as sung by our sable soldiers when marching up Meeting

*Macready's Reminiscences and Diaries, p. 539.

street, with their battle-stained banners flapping in the breeze, their black skins shining and their white eyes glaring with wild delight ;—

“ Softening with Afric's mellow tongue
Their broken Saxon words.”

The conduct of the Mayor of Charleston was not what would have been expected from an experienced lawyer and a gentleman of culture like Mr. Macbeth. He neither called the city council together, like the Mayor of Savannah ; nor came out to meet the Federal forces, like the Mayor of Columbia. He merely sent “two aldermen sandwiched between two other citizens,” to say that the Confederate Army had gone. The most ignorant hoodlum that the caprices of rumsellers ever tossed into the civic chair, could hardly have acted with less dignity in a critical hour. Had the city officials of Charleston kept their wits about them, and attended vigilantly to their duty, the terrible destruction of life and property which occurred upon the withdrawal of General Hardee, might have been avoided. When Georgetown was evacuated, one week later, the authorities there acted far more becomingly than those of “the Liverpool of the South.” They sent at once to Admiral Dahlgren the following surrender, signed by the Intendant and Wardens :—

SIR: Whereas the confederate forces have evacuated this town, the undersigned, intendant and wardens in council assembled, agreeably to your demand, do hereby surrender the town of Georgetown to the United States forces under your command, pledging ourselves upon honor in our official capacity, as far as lies in our power, to prevent any act inimical to the United States forces garrisoned here, claiming such protection of persons and property as is usually accorded to communities in our situation.

Thereupon the Admiral issued a proclamation, putting Georgetown under martial law, but continuing the intendant and wardens in the exercise of many of their functions ; providing for the poor, and prohibiting "the sale or gift of all spirituous liquors." The senior naval line officer present was made Post Commandant ; the senior marine officer was made Provost Marshal ; while the Judge-Advocate of the Fleet was designated as Provost Judge. This arrangement, of course, ended when, a few days later, the Army arrived.

To correct the falsifications of various writers, it may be stated that the first troops to enter Charleston were two companies of the Fifty-second Pennsylvania Infantry, and a section of about thirty men of the Third Rhode Island Artillery. Other troops poured in rapidly during the afternoon, and marched through

the streets singing "John Brown's body lies mouldering in the grave," "Shouting the Battle cry of Freedom," and other Union songs, in tones that must have made the bones of John C. Calhoun rattle in his coffin.

General Schimmelfennig, after fighting and winning, with the loss of ninety men, a battle on James' Island, (which later events proved to be unnecessary,) approached Charleston from the southwest, crossed the Ashley, and, entering the city, proclaimed martial law, and put an end to the disorder of the morning.

Fifteen prizes were captured or destroyed at the approaches of Charleston during Dahlgren's command, and a larger number at the approaches of Savannah and other ports guarded by this squadron. The Charleston prizes were the Beatrice, Clotilda, Cyclops, Constance, Celt, Columbia, Deer, Flora, Lady Davis, Mab, Presto, Prince Albert, Syren, Transport, and a lighter. The Columbia, which was an iron-clad ram of the Atlanta pattern ; the Lady Davis, which was the first vessel put in commission in the Confederate Navy ; the Transport, the Mab, and three torpedo boats, like the David, were captured at the evacuation of the city, and were not sent to a prize court, because, in the opinion of the Navy Department, they were not distributable as

prize. This opinion would seem to be in accord with the decision of the Supreme Court,* though this interpretation of the prize act was new; and the blockaders of Charleston thought it hard that it should be applied to their prizes.

One of Dahlgren's prizes was the Evening Star, which afterwards acquired a terrible renown. She was lost at sea, October 3, 1866, when 244 passengers, including a whole French opera troupe, perished with her.† A famous law-suit in New Orleans turned on the question which of two of her passengers survived the other. By the Common Law, the younger is presumed to survive; but by the Civil Law, both are held to perish together.

The last prize taken at Charleston was the Deer,‡ which entered the harbor, lulled to sleep

* *The Syren*, 13 Wallace, 329; 1 Lowell, 282; Dahlgren's Maritime International Law, p. 146. Strange to say, this case is not noticed in Baker's admirable edition of Haleck's International Law.

† See note to Browne's Divorce and its Consequences.

‡ 1 Lowell's Decisions, 95. The appendix to Mr. Welles' Report for 1865, p. 466, requires correction. The *actual captor* of the Deer was the Catskill, Lieutenant Commander Edward Barrett. The extraordinary ovations with which Captain Barrett and his officers have been honored on ascending the Mississippi in the Plymouth, show that the cities of the southwest are full of hearts that are gladdened, as of yore, at the sight of the Star Spangled Banner flying at the peak of a Federal man-of-war.

by the old Confederate signal fires, (which were now kept burning for the purpose of decoy,) and was seized before she discovered her mistake. The Federal fleet now occupied the inner harbor, while the three Confederate Rams, which had so long guarded the channel—the Chicora, Palmetto State, and City of Charleston—lay in fragments beneath the waves, having been blown up by Commodore Tucker.*

It was claimed by certain traders that the occupation of the city terminated, *ipso facto*, the blockade of the port; but I held that it did not, and that Charleston and Savannah were closed for all purposes of commerce until reopened by the Proclamation of the President. This view was sustained by the Secretaries of State, and of the Navy; and the blockade remained till the close of the war.

The pretence put forth by Boynton, after the repulse of the Monitors in 1863, "that the

* "The burning and blowing up of the iron-clads Palmetto State, Chicora and Charleston, was a magnificent spectacle. The Palmetto State was the first to explode, and was followed by the Chicora, about nine o'clock, and the Charleston, about eleven, A. M. The latter, it is stated, had twenty tons of gunpowder on board. Pieces of the iron plates, red hot, fell on the wharves and set them on fire. The explosions were terrific. Tremendous clouds of smoke went up forming beautiful wreaths."—*Charleston Courier*.

occupation of Charleston was of very little importance," is unworthy of any historian. It is the fox's cry, "Those grapes are sour." Equally untrue is it, that "Admiral Dahlgren, with his monitor guards within the bar, sealed the port of Charleston as effectually as if his fleet had been anchored between Sumter and the wharves*."

Perhaps, it is true, that "it could have been captured by a determined attack, such as was made at New Orleans, Mobile and Fort Fisher."† But it is no disparagement to either side to say that the Confederates made far greater efforts in defending than the Federals in attacking it, and that thereby they kept us out of it. When, at last, it fell into our hands, Pollard, the Confederate historian, took up the cry of "sour grapes." He says: "The vital points of the Confederacy were far in the interior, and as we had but few war vessels, our ports and harbors were of little importance to us."

It was a *bon mot* of Henry Ward Beecher, "Whom God abhors he sends to sea." And so thousands of our sailors felt, during the long blockade. Lord Macaulay says, "No place is

*Professor Bernard's book on the Neutrality of Great Britain during the American Civil War, pp. 286—291, contains much that is of value touching blockade-running at Charleston.

†Boynton, vol. 1, p. 430—431.

so propitious to the formation either of close friendships or of deadly enmities as an Indiaman, [or a man-of-war blockading a hostile coast.] There are very few people who do not find a voyage which lasts several months insupportably dull. Anything is welcome which may break that long monotony—a sail, a shark, an albatross, a man overboard. * * The inmates of the ship are thrown together far more than in any country-seat or boarding-bouse. None can escape from the rest except by imprisoning himself in a cell in which he can hardly turn. All food, all exercise, is taken in company. It is every day in the power of a mischievous person to inflict innumerable annoyances ; it is every day in the power of an amiable person to confer little services. It not seldom happens that serious distress and danger call forth in genuine beauty and deformity heroic virtues and abject vices, which, in the ordinary intercourse of good society, might remain during many years unknown even to intimate associates."* Most grateful was the relief which came with the occupation of Charleston.

Upon getting acquainted with the people of Charleston, I found them frank, affable, and free from sectional bitterness. As the South

*Macaulay's Essay on Hastings.

Carolina pickets were among the first to abandon the barbarous practice of shooting our pickets ; so the South Carolina people were in my experience among the first to recognize the fact that their construction of the Federal Constitution was no longer admissible.

I often mentioned the fact, that, when the Constitution was formed, their construction of that instrument was as common in the North as it afterwards became in the South, and that those who contended for our modern interpretation of it resisted its adoption because it was open to that interpretation. In the Massachusetts Convention of 1788, the delegates from Middlesex voted 25 to 17 against its adoption.

"The vote of the whole Convention was 187 to 168,—only a majority of 19 in favor of the Constitution, in Massachusetts. Had the Constitution been submitted to a vote of the people of Massachusetts, it is highly probable that it would have been rejected.

Seldom has a greater result depended upon so small a cause. The change of ten Delegates from the Valley of the Merrimack would probably have defeated the adoption of the Constitution of the United States. Such a change would clearly have placed Massachusetts against that scheme of government ; and Madison,

looking anxiously out of his Virginia home, wrote:—"The decision of Massachusetts, in either way, will decide the vote of this State."

Those views of State Rights and State Sovereignty which culminated in our Civil War, were as strenuously maintained by thousands of the men of Middlesex and other Northern Counties, in 1789, as in Charleston or any other Southern City in 1861."*

Just as the entire coast blockaded by this squadron had thus been recovered, I had an attack of pneumonia, which, though short, was severe and sharp, and for a time seemed likely to be decisive. It had been my fortune to confront death in different forms—in perils from sickness, and from railroad accidents, as well as in perils of the sea and of battle, both on land and sea; and whether I contemplated it as the end of life or as only an event of life, I had come to look upon it with something like equanimity. I was not destitute of the "good hope," which John Morley says creates at the hour of sunset no mean paradise,—"that the earth shall still be fair, and the happiness of every feeling creature still receive a constant augmentation, and each good cause yet find worthy

*Cowley's Historical Sketch of Middlesex County, in the Middlesex County Manual p. 77.

defenders when the memory of my own poor name and personality had long been blotted out of the brief recollection of men forever."

Brilliantly as Mr. Morley sets forth "the blessedness of annihilation," and "the peace of anticipated non-existence," no pomp of rhetoric can conceal the wretched affectation that lurks beneath. Whatever sublime stoic philosophic indifference pious positivists like Mr. Mill, Mr. Morley, and Miss Martineau, may educate themselves to feel touching their own immortality, "the gift of eternal life" is a priceless boon. A million times better than this "good hope" of Mr. Morley, at the supreme moment, is the humble prayer-hymn of Toplady, so often sung by the open coffin-lid :—

"Rock of ages, cleft for me,
Let me hide myself in thee."

For hours I lay in such exquisite pain that I was unable to move hand or foot; yet near enough to the ward-room to hear the careless remarks of the officers present. If what was said of my character and services was sufficiently flattering, I was not greatly edified by such remarks as these :—"I guess the Jack will never be hoisted for him again," (alluding to the flag which is always hoisted when a Naval General Court-Martial convenes.) "I understand Captain _____ is going to take his place."

"It is a good time for him to die now ; the Admiral will give him a big funeral," &c., &c.* More encouraging was a remark made by the Doctor : "Well, if he lives till this time to-morrow without getting worse, I guess he'll pull through."

A few days later, the body of Lieutenant Bradford, son of the Fleet Surgeon, was taken from the Potters' Field, where the Confederates had buried it, (he having been captured in the assault on Sumter and died in prison in Charleston,) and buried with all naval and military honors in the Magnolia Cemetery. Returning from these obsequies with Fleet Captain Bradford, I was told by him that, had I died as he expected, the Admiral designed to give me "the funeral of an Achilles." Since then, the Admiral, the Fleet Captain, the surgeon who attended me with such thoughtful care, and the captain who expected to succeed me, have all descended to the tomb, while I, for whom the grave then yawned, survive them all !

*People that are not hard-hearted sometimes make most brutal remarks. A friend of mine, who once lay sick of yellow fever in a New Orleans hospital, and who recovered when, by custom, he should have died, says, he heard the head-surgeon twice inquire of a subordinate in impatient tones, two days in succession, "Aint—dead yet ?" The cot he lay on was wanted for another.

CHAPTER VIII.

Destruction of the Harvest Moon—Death of General Schimmelfennig—The Federal Flag restored over Sumter—Distinguished Visitors in Charleston—Assassination of President Lincoln.

On March 1st, occurred the last casualty in our fleet by the sub-marine devices of the Confederates. The steamer *Harvest Moon*, used for the time being by the Admiral and his staff, in lieu of the flag-ship, was steaming down Winyaw Bay, when, before breakfast, the explosion of a torpedo was heard below, and in less than a minute the vessel lay at the bottom. Fortunately only one man was killed ;—and the vessel not being entirely submerged, everything of value was soon recovered. Several Confederate vessels were lost accidentally by torpedoes intended for the Federals.*

*See Barnes' *Submarine Warfare*. Also, Admiral Porter's article in the *North American Review*, September–October, 1878; Captain Simpson's article in the *Galaxy*, September, 1877; *Edinburg Review*, and *Westminster Review*, October 1877. By a slip of the pen, or an error of the types, Admiral Porter is made to say that the *Wabash* and the *Minnesota* were "lost," by torpedoes, (p. 231,) which is not true.

Within a month after the recovery of Charleston, several officers of the Federal Army and Navy had purchased plantations near that city, and prepared to make their abode there. The inducements to do this were strong, and the prospect of making handsome returns on capital invested in cotton-planting was highly flattering. It was *demonstrated* to me by my managing man that the plantation which I had bought, between the Ashley and the Wando, would yield ten thousand dollars in crops, in one season, after paying all expenses.

The sceptical spirit in which I offered to give all the profits of that year, exceeding two thousand dollars, to any man who would pay me that sum therefor, seemed to surprise my neighbors, who, however, admitted my doubts to be well founded when, at the end of the year, I found myself a loser rather than a gainer by my experiment as a cotton-planter.

On April 10th, 1865, Gen. Schimmelfennig was compelled by failing health to relinquish the command of the Northern District of this Department and return North after twenty month's service. In his farewell letter to Admiral Dahlgren he traced with rapid strokes the history of his own services, and said:—

“When General Grant forced the enemy

back from the Rappahannock to Richmond, troops in my front received marching orders. I immediately attacked ; these troops were not sent north, and the commanding officer in Charleston called for re-enforcements from Virginia.

"When General Sherman fought his battles before Atlanta, I again, under orders from General Foster, attacked the enemy, and the result was that troops were sent from Atlanta to Charleston, though the enemy outnumbered us two to one.

"Once more, when General Sherman was about to force his way over the North Edisto river, I attacked and harassed the enemy continually for a week. Not a man was detached from Charleston ; and when General Hardee finally evacuated the city he had a force nearly double to that of all the troops operating against Charleston under General Gillmore.

"I mention these facts, Admiral, merely in order to add that I SHOULD NEVER HAVE BEEN ABLE TO ATTAIN THESE RESULTS WITHOUT THE HEARTY AND MOST EFFECTIVE ASSISTANCE OF THE FLEET UNDER YOUR COMMAND."

The Admiral had become much attached to this officer, who was a Prussian by birth, and who had been trained in the Army of the

Kaiser. On going aboard the Steamer Massachusetts, which carried him to Philadelphia, he was honored with a salute by the Navy, which touched him much. "I thank your Admiral," he said; "I thank him much, and you, too, and all your brothers of the Navy. You have all been good' brothers to me; I never wanted any thing done, but you did it. But all is past now. I shall never have another command." Then, suddenly realizing his own condition, struggling with his feelings as though his great heart would break, he added "I am going home to die, Judge Cowley; I am going home to die!" A few weeks after, this intrepid spirit passed to the life beyond life.

Many of the ladies and gentlemen who assisted in restoring the Federal flag over Sumter, April 14, 1865, published accounts of that event and of Charleston as it then was; but the best articles that I have seen touching the territory about Charleston are those in Harper's Magazine for December, 1865, and November, 1878. No historian of these times has omitted the restoration of the flag by Anderson to the fort which he had surrendered, four years before.

President Lincoln took a deep interest in that event, and invited George Thompson of England, the eloquent coadjutor of Clarkson

and Wilberforce, to unite with William Lloyd Garrison, Henry Ward Beecher and other champions of freedom in America, in the services of that memorable day.

The oration of Mr. Beecher was worthy of his renown. He commenced with his head uncovered, as usual ; but the high wind behaved outrageously and blew his hair about in all directions, like smoke and flame from a burning brush-heap. So Mr. Beecher quietly put on his hat, (a black, felt, uncanonical article,) and wore it to the end. One battery was delayed in firing the salute ordered for the occasion, so that its guns were booming after the oration began. The reports happened to be so timed that they fell upon the ear exactly at the close of sentences. Collusion was suspected between the orator and the gunner, but the orator denied all privity with any plan to punctuate his oration with cannon. Two or three extracts indicate the elevated spirit of this oration :

“ Are we come to exult that Northern hands are stronger than Southern ? No; but to rejoice that the hands of those who defend a just and beneficent government are mightier than the hands that assaulted it ! Do we exult over fallen cities ? We exult that a Nation has not fallen. We sorrow with the sorrowful. We sympathise with the desolate. We look upon this shattered fort, and yonder dilapidated city,

with sad eyes. We exult, not for a passion gratified, but for a sentiment victorious ; not for temper, but for conscience ; not—as we devoutly believe—that *our* will is done, but that God's will hath been done."

"There is scarcely a man born in the South who has lifted his hand against this banner, but had a father who would have died for it. Is memory dead ? Is there no historic pride ? Has a fatal fury struck blindness or hate into eyes that used to look kindly toward each other; that read the same Bible ; that hung over the historic pages of our national glory ; that studied the same Constitution ?"*

The peroration was admirable. The following sentence was spoken with marked emphasis, and was most heartily applauded ; none dreaming that when the tidings of this event reached the capital, Abraham Lincoln would be weltering in his blood :

"We offer to the President of these United States our solemn congratulations that God has sustained his life and health under the unparalleled burdens and sufferings of four bloody years, and permitted him to behold this auspicious consummation of that national unity for which he has waited with so much patience and fortitude, and for which he has labored with such disinterested wisdom. * * * *

*This paragraph was put in type by William Lloyd Garrison in the office of the *Courier*, which published the oration and an account of the commemorative services, on the following day.

To the officers and men of the army and navy, who have so faithfully, skillfully and gloriously upheld their country's authority, by suffering, labor and sublime courage, we offer a heart-tribute beyond the compass of words.

Upon those true and faithful citizens, men and women, who have borne up with unflinching hope in the darkest hour, and covered the land with their labors of love and charity, we invoke the divinest blessing of Him whom they have so truly imitated.

But chiefly to Thee, God of our fathers, we render thanksgiving and praise for the wonderous providence that has brought forth from such a harvest of war the seed of so much liberty and peace."

There were passages in Dr. Storr's prayer which fell upon the ear like harmonies of celestial music :

"Remember those who have been our enemies and turn their hearts from wrath and war to love and peace. Let the desolations that have come on them suffice, and unite them with us in the ties of a better brotherhood than of old; that the cities and homes and happiness they have lost may be more than replaced in the long prosperity they shall hereafter know. * * * * *

Help us who are here assembled before Thee, and who never again shall be so assembled until we stand before Thy bar, to consecrate ourselves afresh, on this historic day, to the welfare of our land; to the cause, and the cross, and the truth of our Lord; that we may

live evermore to Thy glory, may walk in Thy light, may die at last in Thy perfect peace, and may rise to our rest in the bosom of Thy love."

The lofty charity expressed in these passages shone by contrast with the barbaric bitterness and sectional rancor that disfigured the famous funeral sermon at Savannah, which Bishop Elliott preached, a few months earlier, over Bishop-General Polk : yet, the sermon of Bishop Elliott was not wanting in passages of exquisite tenderness and beauty. Addressing the dead body before him, he said : "Thou art very welcome to me, my brother; welcome in death as in life. * * * Thy ashes shall repose beneath the shadow of the Church of Christ."

On the day following the Sumter *fete*, an immense throng crowded the African Church to greet and hear William Lloyd Garrison, George Thompson, Henry Wilson, and others from the North. Thousands being unable to gain admittance, a supplementary meeting was held at Citadel Square. There was one scene in the church, pre-arranged by Mr. Redpath, which those who witnessed it will never forget. It was that of the eloquent natural orator, Samuel Dickerson, and his two daughters, full-blooded blacks, and emancipated slaves, presenting to the brave old Garrison a wreath of the most beautiful flowers of

that semi-tropical climate, together with a welcome to Charleston, and the thanks and benedictions of their race.

That scene, I venture to predict, will live again hereafter on the painter's burning canvas and on the historian's pictured page.

Mr. Garrison's unstudied speech,—“I have been an out-law, with a price set upon my head, for thirty years, for your sakes ; but I never expected to look you in the face, or that you would ever hear of anything I might do in your behalf,”—showed how truly he had learned and practiced that duty of self-sacrifice and of self-denying labor for others which Christianity enjoins as the sublimest duty of man.

The principal addresses on that day rose to real eloquence. What contributed to make them so was the consciousness that the speakers were greater than their words—that there was in them “something greater than all eloquence,—action,—noble, sublime, God-like action.”

The most eloquent of the speakers on that day was George Thompson, whose decease, at a ripe old age, in his own native land, has been telegraphed by the Atlantic Cable since these pages were put in type.

“It is hard,” he said, “to believe that I am at once in the cradle and the grave of treason, secession

and slavery. To me it has been given to see two great, pure, signal, glorious triumphs effected. To me has been given the unspeakable privilege of being a co-laborer with Wilberforce and Clarkson, who led the way in the great struggle for British abolition—the abolition of the internal slave-trade, and its child, slavery. To me, also, it has been given to see their triumph, to see them go up to heaven, presenting at the throne of the heavenly grace a million of broken manacles, and Africa redeemed from her English spoiler.

Now it is my privilege to be the co-worker and companion in joy of the Wilberforce of America—William Lloyd Garrison. For thirty years and more my heart has been with you; with you on the plantation, with you on the auction block, with you in your unrequited toil, with you in your sufferings, separations, and scourgings; and now I am with you in your freedom. * * * * *

During the thirty years that have elapsed between my first and last visit, a revolution has taken place at the North. I left the colleges on the side of slavery. I returned and found the colleges on the side of liberty. I left America when there was but one man [John Quincy Adams] in the House of Congress who dared to present an anti-slavery petition. I returned and found scarce a man in Congress who would not deem himself honored by being selected to present such a petition. I left America with the newspapers of the country and the literature of the country

on the side of slavery. I returned and find the newspapers and literature, the best and most popular works published in the country, on the side of freedom. I find the man who towers the highest in the estimation of the people of the North is the man most earnestly, most sincerely, most uncompromisingly devoted to the cause of universal, impartial freedom."

In the evening of that day, a delegation of colored women called on Mr. Beecher. Four of these women had been caught in the act of carrying food, medicines, and bandages in the night to prisoners on the Race Course, and had been lashed on their backs for thus seeking to do what the Church prays God to do—"to show pity upon all prisoners and captives." One of them had received seventy-five lashes on her bare back for her humanity and kindness toward these suffering men.

On Easter Sunday, April 16th, Mr. Beecher preached in the same Church. But as the hour struck when the sound of the church-going bell would have been heard if all the bells of Charleston had not been removed or melted into cannon, I left for Cuba in the Steamer Mary Sanford, and did not hear him.

"From the sublime to the ridiculous," said Thomas Paine, "there is but a step." Parting from Beecher at Charleston, when in the zenith

of his fame, I met him again, ten years later, in the Supreme Court at Brooklyn, when brought to trial there by one who went with him to Charleston as his parasite and *protege*.

Previous to sailing, I took a walk with Senator Wilson to the churchyard of St. Michael's Church, and showed him, in a thicket, covered with brambles and weeds, the grave of the eloquent Hayne, the antagonist of Webster, Wilson's own predecessor in the Senate, in the great Nullification Debate of 1830. Neither of us spoke for some minutes. Words had lost their power, as we stood by the grave of that apostle of secession, and gazed on the ruin which his doctrines had brought upon the city of his love.

Tears filled Mr. Wilson's eyes, and his features bore the evidence of strong emotion as he stood thoughtful, silent, motionless, as if rivetted to that charmed spot. At length, I broke the silence by saying that, if I only had the power of a painter, I would try my hand on a scene which, in the hands of a good artist, would live for centuries. "What do you mean?" inquired Wilson. "Why, I would take for my subject 'The Successor of Daniel Webster at the Grave of Robert Y. Hayne!'" "It would be good," Wilson rejoined. "I would not have missed this for all there is in Charleston besides!"

FLAG SHIP "PHILADELPHIA."

Charleston Harbor, S. C. April 19, 1865.

A grievous affliction has fallen upon the Nation. President Lincoln has been assassinated. The vessels of this command will wear their colors at half mast, until further orders.

On the receipt of this order twenty-one minute guns will be fired from every vessel in the squadron, beginning with the senior vessel; each vessel following in the order of seniority. The minute guns will be repeated at sunset.

The Officers will also wear crape on the left arm. [This badge of mourning continued to be worn for six months.]

Other orders will be issued by the Navy Department.* The sorrow we all feel for our loss, indicates the above as the first proper manifestation.

JOHN A. DAHLGREN,
Rear Admiral, Commanding
South Atlantic Blockading Squadron.

*These orders directed among other things, that the commandants of squadrons, navy yards, and stations cause the ensign of every vessel etc. to be hoisted at half-mast, and a gun to be fired every half hour, from sunrise to sunset.

The news of the murder of President Lincoln reached Charleston April 19th, during my absence ; and I give, on another page, the order issued by Admiral Dahlgren on that occasion. The Admiral had a strong personal affection for the President, and was much beloved by him, in turn. While commandant of the Washington Navy Yard, he often contributed to fill the aching void in the President's saddened heart. "I like to see Dahlgren," said Mr. Lincoln. "The drive to the Navy Yard is one of my greatest pleasures. When I am depressed, I like to talk with Dahlgren. I learn something of the preparations for defence, and I get from him consolation and courage. On the whole, I like to see Dahlgren."

CHAPTER IX.

A Trip to the Tropics—Havanna—Cuban Scenes
—Charles the Fifth's Judge-Advocate — Palmetto
Politics—Close of Admiral Dahlgren's Command.

The path of the Mary Sanford lay off the coast of the beautiful Sea Islands. We were four days from Charleston when the weekly mail steamer for Havanna, which left New York the Saturday before, came up with us, wearing her

flag at half-mast. We sent a boat to her for the news. The boat soon returned with copies of the *Herald*, *Tribune*, *Times*, and *World*, and also—horror of horrors!—the news of the assassination of President Lincoln! The feeling produced upon all on board was intense; and tears rolled freely down the cheeks of old sailors, who, before the abolition of flogging, had taken their forty stripes save one without flinching. It seemed as if every man had lost his best friend—"as if the hunter's path, and the sailor's, in the great solitude of wilderness and sea, were henceforth more lonely and less safe than before." We were now off the coast guarded by the East Gulf Blockading Squadron, and "dipped our flag" to Admiral Stribling as we approached his flag-ship. Blockaders had few attractions for us, then; so we pushed on towards the "ever-faithful isle."

On Friday night, I could smell odors of tropical vegetation wasted across many leagues of sea. The canopy of heaven seemed studded more thickly than ever with what Prince Albert called "terraces of stars;"—(which I think a felicitous phrase, though Humboldt sneered at it as too fanciful.) Among the many strange constellations, I soon recognized the Southern Cross marching in triumph across the sky.

How few of those who "make Havanna" by doubling the western capes of Cuba, give a thought to that isthmus or promontory which, in by-gone ages, connected Cuba with Yucatan? Yet there can hardly be a doubt that the peninsula of Yucatan was once thus united to "the ever faithful isle." But when and how they were divorced, are problems for geologists.

Just as the Lord of Day was making his preparations "to quit his chamber in the East," the look-out shouted, "Land ho!" For several hours our path lay along the coast of a veritable paradise. The dwelling houses of the planters, painted in various bright colors, shone resplendent in the morning sun-light, and I fancied that they were imitations of the domestic architecture of the Moors of Spain. Then, those lofty palm trees—how finely they contrasted with the palmettoes—those bastard palms—of the South! But I will not attempt—what so many others have failed to do—to convey any adequate idea of the gorgeous beauty of this tropical landscape. It was, as the only living lady on board the Mary Sanford repeatedly said, "perfectly splendid;" and yet I would not exchange the cranberry of New England for any product of the tropics.

Havanna has been many times described,

and I found it pretty much as others have found it, save that its harbor, (which is shaped exactly like one half of a bisected bottle lying with the cut side upwards,) contained a dozen or more of those long, low, rakish-looking steamers, with short masts and convex-decks, painted lead color, which we had often fired at during the long blockade.

Walking in the *Plaza di Arma*, and other squares and streets of Havanna, I seemed to be transported to the times of Ferdinand and Isabella, and of the Emperor Charles the Fifth. On Sunday, I heard a sermon in sonorous Spanish in the Cathedral; and having attended three masses in the morning, I followed the custom of the city, and witnessed five bull-fights in the afternoon. To my taste, these combats between armed men and horses, on the one side, and infuriated bulls, on the other, seemed utterly revolting. But custom will make men anything. Not only the *senors* but the fair *senoretas* also, went wild with delight when the poor horses were gored and disemboweled by the maddened bulls, or when the poor bull, stung almost to death by torpedoes in his flesh, was thrust by the fatal lance, and fell reeling to the earth.

It was with great reluctance that I turned away from the *pascos* behind Havanna, of which

no one who has ever driven over them in those grotesque *volantes* will need any description, while to those who have not seen them, no words of mine could convey any adequate conception of their marvellous attractions and rich tropical—I might say magical—beauty. They are to Havanna all and more than all that the Central Park is to New York ; and nothing save the *Bois de Bologne* of Paris could excel them in the sights which they present with their thousand light *volantes*—the wheels at one end, the mounted steed at the other, and the stately, bare-headed, white-robed *senoretas* sitting serenely between.

The courts of justice in Havanna are commodious apartments, elegantly furnished, and contrasted finely with the cabins and ward-rooms in which I had so long been administering justice according to the criminal code of the Navy. Some of them displayed full-length portraits of Queen Isabella, and of her predecessors on the Spanish throne.

I was fortunate in making the acquaintance of Senor ———, a learned advocate who had travelled in Europe and the United States. He showed me an old book which he had picked up in Madrid, entitled *De Re Militare et de Bello*, written in Latin, by Pierino Bello, in 1558, and published in Venice in 1563. This treatise was

the first effort ever made to reduce the practice of nations in the conduct of war to a system of judicial rules. Bello, otherwise called Bellinus, was a native of Alba, in Piedmont, and was Judge-Advocate of the Army of the Emperor Charles the Fifth of Germany during his war with Francis the First of France in the North of Italy, and afterwards Chancellor of War and of State to the Emperor's son, Phillip the Second of Spain. He was born in 1502, and died in 1575, and was at the time of his death High Chancellor of Savoy. His work served as a guide to that of Albericus Gentilis *de Jure Belli*,* published forty years later, and also to the great work of Grotius, on the Rights of War and Peace, in 1625.

The next effort of this kind was made by Balthazar Ayala, the Judge - Advocate of the Spanish Army in the Netherlands, under Alexander Farnese, the Prince of Parma, to whom the work was dedicated in 1581.

The third was made by Albericus Gentilis, in 1598, while teaching at Oxford, and dedicated to Robert Devereux, Earl of Essex, the favorite and the victim of Queen Elizabeth.

Judge-Advocate Bellinus was the true Father of International Law : yet in the works of

*See Judge-Advocate-General Twiss on Albericus Gentilis, in London Law Magazine and Review, Nov. '77—Feb. '78.

Wheaton, Kent, Phillimore and Halleck, he is hardly named. Judge-Advocate Ayala fares little better. Grotius, whose own services ought to secure an immortality of fame, has honors heaped upon him unbidden, which justly belong to Bellinus and Ayala.

From the days of Bellinus and Ayala to the days of Halleck, Holt and Twiss, the Judges-Advocates of the Armies and Navies of Europe and America have not failed to make constant efforts, by their writings, as well as by their practice, to improve the several systems of law, which, in their two-fold character as Judges and as Advocates, they have been called to administer.

Here also I saw the secret memoirs of the Count of Aranda, one of the ablest and most trusted ministers of Charles the Third of Spain, printed in Spanish a few years before. From these memoirs I quote the following remarkable letter, written by him in confidence to his sovereign, upon signing the treaty of 1783:—

"I have just concluded and signed a treaty of peace with England, and this negotiation has left in my mind a painful sentiment. We have recognized the independence of the English colonies, and that is to me a subject of grief and of dread. France has few possessions in America; but she ought to have remembered that Spain, her intimate ally, has many, which now remain exposed to terrible convulsions. I will not

stop to examine the opinions of statesmen, as well countrymen as foreigners, who agree with me in estimation of the intrinsic difficulty of preserving our domination in America. Without entering into those considerations it suffices to content myself with referring to the perils with which we are menaced, on the side of the new power just created in a part of the earth where no other power exists capable of withstanding its progress. This new federal republic has come into being a pygmy, so to speak, and in order to attain its independence has needed the support and the forces of two great powers, France and Spain. The day is at hand when in those regions it will be a giant —a terrible colossus. Then it will forget the benefits which it has received from us, and will think only of its own aggrandizement. The liberty of conscience, the facility of establishing new populations, in immense territories, and the peculiar advantages held forth by the new government, will attract thither cultivators and artizans of all nations, since men rush in pursuit of fortune; and thus, in a few years, we shall witness with sorrow the menacing existence of the anticipated colossus. The first step of this power, when it shall have grown to strength, will be to possess itself of the Floridas, in order to command the Gulf of Mexico. After having thus interposed itself in the way of our commerce with New Spain, it will aspire to conquer that great empire, which it will not be possible to defend against a formidable power, established on the same continent, and what is more, coter-

minous with it. These apprehensions are well founded, and cannot fail to be realized within a few years, unless indeed, before then, revolutions still more disastrous should break forth in our Americas."

With so clear a view of the future of the nascent Union, it is not to be wondered, that this great man sought to ward off this peril from Spain by creating semi-independent monarchies out of the Spanish Colonies, to be governed by vassal Spanish princes under Charles as emperor of Spain and the Indies, the latter retaining the immediate government only of the Islands of Cuba and Puerto Rico.

It has often been said that England "bit off her own nose" in extinguishing the French dream of domination in America by the conquest of Canada. She certainly thereby provoked France to incite that discontent and rebellion which culminated in the independence of the United States. Spain, also, "bit off her nose," by aiding the revolted Colonies. So thought this far-sighted Count of Aranda, whose prophetic words came freshly to my mind as I pondered, not without hope, on the prospect that Cuba will yet become a member of the American Federal Union.

Had the counsels of Aranda prevailed, Spanish America might have been spared twenty years of anarchy and civil war, as Portuguese America

was by the timely adoption of the same wise policy.

Whether the Count of Aranda had heard of Governor Pownall of Massachusetts, I know not ; but it is remarkable that Pownall sought to anticipate the independence of the British American Colonies by making them members of a great British Federal Union.

This Senor —— , I may say, was admirably fitted, by culture and tastes, for public life ; yet under the despotic system of Cuba, there was no more chance for a political career for him, than there would be in some of the Irish or German wards of Boston, New York, St. Louis, or Cincinnati ; and perhaps it is an open question, whether the rule of one narrow-minded bigot is not more tolerable than that of a mob of narrow-minded bigots.

I left Havana with several purposes unfulfilled. One of these was a trip to the Valley of the Yumuri, immortalized first by the hand of Nature, and again by the pen of Maria Brooks.*

My visit was one of uninterrupted enjoyment, which was greatly augmented by the many attentions of Charles Dudley Tyng, one of the

*See *Maria del Occidente*, in *Harper's Magazine* for January, 1879.

Tyngs of Newburyport, then commercially domiciled in Havana.

Some of the last of the blockade-runners lay in the harbor of Havana when we left ; and one of our officers, with a turn for poetry, adapted to "the Last Blockade Runner" Lord Macaulay's lively "Lay of the Last Buccaneer." Had the noble poet lived to see these adaptations, I fear he would have punished the adaptor as unsparingly as he punished Robert Montgomery and John Wilson Croker.

I had received from Captain John S. Sleeper, formerly editor of the *Lowell Journal*, and afterwards of the *Boston Journal*, some vivid accounts of the pirates who infested these waters early in the present century.* I had also read of the famous buccaneers of the seventeenth century ; but never till I visited their favorite cruising-ground, did I realize that the buccaneers were the natural outcome from the peculiar circumstances of their time. Mr. Froude well says :

"The privateers, Spanish, French, English, Scotch, and Flemish, who in time of war learnt the habits of plunder under a show of legality, glided by an easy transition into buccaneers

*See the admirable paper on these pirates, read by Captain Sleeper before the New England Historic, Genealogical Society in 1877.

whenever peace withdrew from them their licences. The richness of the possible spoils, the dash and adventure in the mode of obtaining it, and the doubtful relations of the courts of Europe to each other, which made the services of such men continually valuable, and secured them the partial connivance of their respective governments combined to disguise the infamy of a marauding profession. The pirate of to-day was the patriot of to-morrow.”*

In a few hours a terrible storm came on, and before we were aware of it we were in the paradise of the wreckers on the coast of Florida. The sea ran mountains high, the wind blew toward the land, and for hours we were in peril of running on the lee shore.

“In such a tempest, borne to deeds of death,
The wild, weird sisters scour the blasted heath.”

At length the storm ceased; and having made the Gulf stream, that remarkable “river in the ocean,” we were soon once more in Charleston. There I soon learned that, though out of sight, I had not been out of mind to my Charleston friends, during my trip to the tropics. They had been holding what they called a “Union League Mass Convention,” for the purpose,

*Froude’s History of England, vol. 5, p. 135. This was equally true of the pirates of 1800–1820.

among others, of recommending some one to President Johnson for the office of Provisional Governor of South Carolina; and knowing that I was about to quit the Navy, they had voted to recommend me for that position. This expression of confidence on their part was most gratifying; though I was not conscious of any special fitness for that office. In fact I had signed a petition for B. F. Perry, whom the President soon after appointed.

Having assisted in organizing the Republican party, and helping it into power in the Palmetto State, I protest that I am wholly innocent of the crimes by which the names of too many of the Republican leaders were afterwards "damned to everlasting fame." Not a hint had yet been heard, of those portentous frauds by which that once-glorious commonwealth was humbled in the dust, and burdened with a weight of debt which will retard her prosperity for generations to come.

I lingered too long in the tropics to fulfil a promise to my friend, Mr. Redpath, to deliver an address, in Charleston, on the day of the decoration of the graves of the martyrs of the Race-Course. James Redpath, I believe, is the real originator of the practice of publicly decorating the graves of the men who died in our military

or naval service during the Civil War. His colored clients at Charleston, where he was then Superintendent of Public Instruction, were the first decorators ; and I barely escaped the honor of giving the first decoration-day oration. I had made some preparation for that most welcome service ; had gathered together from all accessible sources the history of the Race-Course Prison, and also of the Morris-Island Stockade ; (for I meant to treat both sides with equal fairness.) Some tribute I would gladly have paid to those unnamed heroes who, lingering from week to week, suffered the bitter pains of ten thousand deaths, when they had only to renounce their allegiance to the Union in order to be released.

“To play the part of heroism on its high places and in its theatre,” as Rufus Choate once said, “is not perhaps so very difficult.” But to play it continuously for months, with no prospect of relief, unseen by any sympathizing human eye, frowned on by all around them, save their suffering, starving comrades, was the sad trial and the supreme triumph of the martyrs of the Race-Course.

Nor would I have withheld the honors due to those unnamed heroines, whose backs were scored by the lash, because they dared to visit

our prisoners in the night, and carry bread to the hungry, bandages to the wounded, and medicines to the sick, and to receive the last messages of the dying.

The Confederate soldier or sailor, who honestly held that his highest allegiance was due to his own state, and to the southern Confederacy, and who in that faith fought the forces of the Union on land or sea, should have heard no word of reproach ; nor would I have stung his pride by calling him a rebel or a traitor. But to those wretches who aggravated the asperities of the war by reviving barbarities which even savages have abandoned, I would have shown no mercy. Generally, they were not soldiers, though they had donned military attire. For them even the bitter words of Lord Macaulay were too sweet :—

“Shame on those cruel eyes
That dared to look on torture,
But dared not look on war.”

The time now came for the reduction of the Navy to a peace basis, and for the union of the North and South Atlantic Squadrons under one commander. At the end of June I accompanied Admiral Dahlgren to the capital in the Pawnee. The flag of the South Atlantic Blockading Squadron, which Dupont unfurled at Fortress Munroe

on the 29th of October, 1861, was hauled down by Admiral Dahlgren at Washington, on the 12th day of July, 1865; and the books of that command were closed forever.

Previous to leaving Charleston, the Admiral issued two farewell orders, in one of which, among other things, he pays his compliments to each officer of his staff by name; while in the other he traces with rapid strokes the history of the squadron during the two years of his command.*

I cannot allow the beloved and honored name of Dahlgren to drop from my narrative without making, at least, this attestation:—that a more intrepid spirit never walked this earth in human form; that his steadfast soul knew no such thing as fear;† that his constant, utmost, only aim was to render to his country the greatest and best service possible; that, alike in fighting and in forbearing to fight, he never hesitated to sacrifice himself, his fame, and his hope of

*See Secretary Welles' Report for 1865, pp. 343–346.

†Witness the sublime daring with which he pushed off in his barge, and pulled through a heavy sea and a tremendous fire of shells to the Passaic, when that renowned little turtle-back got aground under Fort Moultrie, and when none but the utmost efforts of all her consorts could have saved her from destruction or what was infinitely worse—capture.

higher fame, for the good of his country ; that in his private relations with me, (which were as intimate and as confidential as those with any other officer of his personal staff,) I found him always kind, generous, frank, cordial, sympathetic and confiding ; and that I never met one who merited "the grand old name of Gentleman" more than he. Much more I would add, especially concerning him as a man of science, and the inventor of the best forms of ordnance, but for the fact that his biography is now in preparation by able and loving hands ; so that no further account of him is needed.

It is, however, worthy of mention here, that he obtained the idea of the formation of his unrivalled gun from observing the formation of the soda-water bottle. This he told me himself ; and a moment's inspection will demonstrate that, in the bottle as in his gun, the weight of metal is thrown into the breech.

I can indulge no better hope for our American Navy, than that, in all the ages of its future, it may never want officers to improve its gunnery and to command its squadrons, who shall be equal to the ingenious, the intrepid, the chivalrous, the high-souled Dahlgren.

CHAPTER X.

Courts-Martial and Civil Courts compared—
Some Points in Military and Naval Law—Unity in
the Methods of Procedure in the two Services.

I have often been asked, since my return to civil life, what are the advantages, or the disadvantages, of courts-martial as agencies for administering criminal justice. The advantages are : *first*, greater freedom from technicality in describing the accused and the time, place and manner of the offence ;* *second*, greater certainty that the tribunal which passes upon the facts, (*i. e.* the court sitting as a jury,) will possess the requisite special knowledge, in cases requiring special knowledge ; *third*, the evidence is preserved entire for the examination of the reviewing power. Often, when cheated out of “ exceptions to rulings at *nisi prius*,” by slippery judges

*The Cilley case, however, in the S. A. B. Squadron, in 1863, and some others, broke down for want of sufficient allegations as to the place of the alleged offence.

who *would* substitute their after-thoughts for rulings suddenly and inconsiderately made, I have sighed for the full record of the court-martial, made at the moment, and like "the law of the Medes and Persians, which altereth not."

The disadvantages are, the proneness of courts-martial to convict in cases of doubt; the exclusion of all oral examination and cross-examination of witnesses; the depriving the accused of the advantages that are often secured, in civil courts, by the power of forensic eloquence. But I have seen juries more alarmingly,—ay, scandalously,—prone to convict than any court-martial with which I ever sat as judge-advocate, or before which I have ever appeared as counsel for the accused. The boasted advantages of cross-examining witnesses *viva voce*, of firing into them rattling volleys of confusing questions, and of badgering them into apparent contradictions, have been much over-estimated by such lawyers as Lord Erskine* and Lord Abinger in Great Britain, and by Judge Lord, Charles O'Conor, General Butler, and Judge Fullerton in the United States. Such, I know,

*Erskine, by the way, was as successful before naval general courts-martial composed of British officers, as before "the Twelve" in courts of common law. Witness his defence of Admiral Keppel.

was the mature opinion of Charles Sumner ; and it was strikingly illustrated in the trial of Tilton *v.* Beecher, in which Mrs. Moulton, on the one side, and Miss Turner, on the other, successfully withstood the best efforts of Mr. Evarts, and Mr. Fullerton, respectively, to break the force of their testimony by the tactics of a most skillful cross-examination. The triumph of Mrs. Jenks over Mr. Butler, when cross-examined before the famous Potter Committee, was even more remarkable than that of Mrs. Moulton over Mr. Evarts, or of Miss Turner over Mr. Fullerton. A cross-examination is very often more damaging to the cross-examiner than to his adversary. The acquittal of Sickles, one of the most brilliant forensic victories of modern times, was largely due to the adroit abstention of Mr. Brady from any cross-examination save what related strictly to the testimony-in-chief. Like the divine gift of eloquence, it is often perverted to purposes of injustice—" to put a face of truth upon a body of falsehood"—rather than "to execute justice and to maintain truth."

Referring to the judge-advocate, who combines the functions of a judge with those of an advocate, Charles Sumner says :—"As a judge, conversant with the law and the practice of courts, he is to advise the members on such

questions of law as the case presents, and to be of counsel for the prisoner, according to judicial custom, when the prisoner was not allowed counsel in his defence. At the same time, he is to be the prosecuting officer for the government, and withal, the recorder of the court. The military (or naval) officers become a jury, with power to decide the law and the fact, and to assign due punishment on conviction. The judge-advocate is in truth the judge ; and, as in these trials, anciently, no counsel was allowed the prisoner, the judge-advocate might without any great difficulty see to the proper management both of the prosecution and defence.*"

In some respects, the practice of courts-martial might be improved. In an age of expert stenographers, like ours, the time of the whole court ought not to be wasted, as it now is, while the testimony is written out in full in long-hand. The report of a sworn stenographer, verified, of course, daily, by the court, would be full as trustworthy as the long-hand minutes of a judge-advocate.

The Bar, too, should have a recognized position. In dealing with counsel, courts-martial

*⁶ Law Reporter, p. 5. See also Mr. Sumner's learned article on the Mutiny of the Somers, North American Review, vol. 57, pp. 195-241.

now stand about where the courts of Athens stood two thousand years ago.

The practice of military courts and that of naval courts are nearly alike already, (naturally and necessarily so,) and they might be made entirely uniform. The statutes which govern their proceedings require but the slightest changes to make the practice of courts in the two services entirely alike ; and while there is much to be said for uniformity, the points of difference are such that there is absolutely nothing to be said against it.

Why, for example, should the law require that the judge-advocate of a *naval general court-martial* should be sworn *before* he administers the oath to the members, and that the judge-advocate of a *military general court-martial*, and the judge-advocate, (or recorder,) of every other judicial tribunal in either service, should administer the oath of office to the members of the court *before he has been sworn himself?** Why not make the practice uniform in all courts of both services ?

Again : why should the law prescribe that the president or senior member shall administer the oath to witnesses before naval general, and

*Revised Statutes of the United States, Title XIV., Chap. 5, Articles 84, 85, 117;—Chap. 10, Articles 28, 40, 58.

summary, courts-martial, and yet permit witnesses before all other tribunals in either service to be sworn by the judge-advocate? Why not permit them to be sworn by either the president or the judge-advocate, in all cases? These questions are important; for if an oath is administered by one who is not, at the time, qualified to administer it, it is extrajudicial, and the violation of it is not legal perjury.

By a singular inadvertence, the oaths prescribed for judges-advocates and members of naval general courts-martial and naval courts of inquiry, and for the recorders and members of summary courts-martial, do not contain the formula, "So help you God," or any other words equivalent thereto; though this is of the essence of all oaths.

In dealing with cases of theft, under the seventh and eighth articles of war,* our naval general courts-martial often found it impossible to impose a penalty adequate to the offence. By the construction which the Navy Department has put upon these articles ever since their enactment, it is only in cases "where it is authorised to adjudge the punishment of death," that

*In *Dynes v. Hoover*, 20 Howard, 81, the United States Supreme Court put a different construction on these articles, less favorable to the accused.

a court-martial may adjudge the punishment of imprisonment for life, or for a stated term, at hard labor.

It must be considered here that the punishments imposed by courts-martial are additional to those imposed by the civil tribunals.* It was not foreseen that a time would come when crimes would be committed within any state in the American Union, when there would be no civil court therein in which the offender could be prosecuted. To remedy this mischief, several courts-martial sought to impose confinement at hard labor in a penitentiary as a punishment for theft; but the Department set aside all such sentences as unauthorized and void.

The Department was manifestly right. If it were otherwise, a man might be sent twice to a penitentiary for the same offence—once by a civil court, and again by a court-martial. The authority of *Dynes v. Hoover* is without weight

*It seems that Judge Woodbury, Chancellor Kent, Judge Betts, and Charles Sumner, eminent as they were, all erred in supposing crimes cognizable by a naval general court-martial as violations of the law of the sea, were not cognizable also by the civil courts as violations of the law of the land. See the decision of the United States Supreme Court in *Moore v. State of Illinois* 14 Howard, 13; Caleb Cushing's opinion in Steiner's Case, 6 Opinions of Attorneys-General, 413, and cases there cited; Charles Sumner on the Case of the Somers, 6 Law Reporter, 4.

as to this. But as no such sentence as was inflicted on Dynes will probably ever be approved again, it may stand for ages without being overruled. And as few writers in this country know or care much about military or naval law, this case may pass for ages unchallenged.

While the late Caleb Cushing was one of the Commissioners to revise the statutes, I prepared, at his suggestion, a schedule of amendments whereby all these minor differences would have been removed, and the practice of all courts in the Army and Navy made uniform. He assured me that they were all desirable, wondered they had not been suggested sooner, filed my schedule carefully away, and—probably never looked at it again.

Mr. Sumner's suggestion,—that "there be an individual learned in the law, controlling, as a judge, the legal course of the trial,"—would reduce the court to substantially the position of modern juries, who are judges of facts but not judges of laws. The biases of the Army and Navy lead them to prefer that their courts should retain the position of the ancient juries who, in criminal cases, were—as the ballad ran—

"Judges alike of the facts and the laws."

CHAPTER XI.

From the Palmetto State to the Old Bay State—
Researches in the History of Divorces and Divorce
Legislation in America—An Unwritten Chapter in
Our Colonial Life.

Few commonwealths have ever presented a more pitiable spectacle than the Palmetto State at the close of 1865, when I disposed of my plantation and returned North. A large portion of her white male population had perished in the war; another portion had become demoralized. Hundreds of families, previously wealthy, or well to-do, had been impoverished. Disaster, debt and ruin were everywhere. The population, however, inheriting the blood of English Cavaliers, Scottish Covenanters, and French Huguenots, had immense recuperative power; and she might have been spared that other later and sadder chapter of calamities, had the remnant of her old white population done their duty. The ignorance of the horde of blacks, who were sud-

denly invested with political power, might have been largely prevented from working further ruin, had the whites, who had owned them, accepted the situation, and exercised over the freedmen the influence which men of culture and property can always exert over the ignorant, the poor, and the depressed. But in this crisis, when their moral, their intellectual, and their social influences were more needed than ever before, the old white population chose, blindly and madly, to abandon their state to its fate, and to sit down sullenly, like Achilles sulking in his tent. The result w , that the rapacity of the Northern immigrants combined with the ignorance of the blacks, and reduced South Carolina to the condition which Mr. Pike has so well portrayed in his "Prostrate State."

Unquestionably, the Civil War brought great and wide-spread demoralization, as most wars do. All our historians, from Ramsay to Greeley, concur that the moral condition of the people sadly degenerated during the War of the Revolution, and during the War of 1812. Returning to Massachusetts, I have been witness to schemes of corruption only less heinous than those which blacken the history of South Carolina ; of which those incident to the Hoosac Tunnel and the Hartford and Erie Railroad may be mentioned as striking examples.

It happened that, after returning to Massachusetts, and entering upon the practice of my profession in Boston, I was retained in numerous cases of domestic litigation. This led me to inquire when, where, and how, the courts of the United States, (or the Colonies,) first began to exercise jurisdiction in cases of divorce.

The establishment of the first judicial tribunal in America, exercising jurisdiction in matters of divorce, would seem to deserve a place in history. But I soon found that this event, which took place in 1639, had never been recorded with anything like accuracy by any writer whatever.

Supremely important and far-reaching in their influence, as were the early divorce laws of Massachusetts, Rhode Island and Connecticut, I found that they had generally been entirely overlooked by the historians of those times.

Only one of those historians who have taken New England for their field,—Mr. Palfrey,—and only one of the historians of the United States,—Mr. Bancroft,—have referred to the matter at all. In his account of the early courts of judicature in Massachusetts, Palfrey says, the inferior courts "had jurisdiction in cases of divorce;" which is not true. In the tenth chapter of his history, treating on the condition of

the United Colonies of New England, Mr. Bancroft says: "Of divorce I have found no example." But the original records of the colonial court of assistants contain several such examples in Massachusetts. There were others in Rhode Island, and also in Connecticut.

Of the historians of Massachusetts, Hutchinson alone mentions the subject of divorce; but from his narrative, which is generally so full and so particular, it is impossible to say, within fifty years, when this jurisdiction was first exercised.

Daniel Webster wisely said :—

"There are two sources of information on these subjects, which have never yet been fully explored, and which, nevertheless, are overflowing fountains of knowledge. I mean the Statutes, and the proceedings of the Courts of Law. At an early period of life, I recurred, with some degree of attention, to both these sources of information; not so much for professional purposes as for the elucidation of the progress of Society. I acquainted myself with the object, and purposes, and substance of every published Statute in British Legislation. These showed me what the Legislature of the country was concerned in, from time to time, and from year to year. And I learned from the Reports of controver-

sies, in the Courts of Law, what were the pursuits and occupations of individuals, and what the objects which most earnestly engaged attention. I hardly know anything which more repays research than studies of this kind."*

The first act expressly or tacitly authorizing the dissolution of marriage by judicial decree, in any dependency of the English Crown, was passed by the general court of Massachusetts in 1639, and reenacted in 1658, in an improved form, as follows:—

"That there be two courts of assistants yearly kept at Boston, by the governor, or deputy governor, and the rest of the magistrates, on the first Tuesday of the first month, [March,] and on the first Tuesday of the seventh month, [September,] to hear and determine all and only actions of appeal from inferior courts, *all causes of divorce*, all capital and criminal causes, extending to life, member, or banishment."†

The first decree of divorce under this act was that of one James Luxford of Boston. It

*Address before the New York Historical Society.

†Compare Massachusetts Colony Records, vol 1, p. 276, with Charters and General Laws of the Colony and Province, edition of 1814, p. 90, and the advertisement. In the editions of the Colony laws printed in 1658 and 1660, (now extremely rare,) the act above cited is found on page 23. The same act is reprinted on page 36 of the edition of 1672, in which President Woolsey erroneously says "there is no mention made of divorce."

"manuscripts" in the office
at Albany, endorsed
part 1," contain, at least,
records of the Patroons'
years.

between the English con-
and the Revolution of 1776
cripts in the same office,
Documents : 1664-1776,"
curious interest.†

instances which combined
ce of divorce acceptable,
ection of the sacramental
e solemnization of marria-
tes rather than by clergy-
oming to the Colonies of
their wives at home;" the
culty of living here and car-
pursuits without wives, and
ording to enterprising men
an opportunity to reconstruct
tions, and take a new depart-
of life.

ol. 8, pp. 415, 417, 419.

269, 390; vol. 25, pp. 84, 85. Presi-
ay, (p. 190,) requires correction, as to
the English periods.

was entered in 1639, and is recorded in the first volume of *Massachusetts Colony Records*, 283.

Neither Bancroft, nor Palfrey, nor Barry, nor even Washburn, who has preserved so many interesting facts in his *Judicial History of Massachusetts*, seems ever to have seen the volume of records of the court of assistants,* from March 3, 1673, to March 23, 1691–1692, in the office of the Clerk of the Supreme Judicial Court for the Commonwealth, in Boston.

I presume that Governor Hutchinson, who wrote in 1767, had seen the records preserved in this volume, as well as those which are lost, and doubtless had them in mind when he said,—“I never heard of a separation, under the first charter, *a mensa et thoro*. Where it is practiced, the innocent party often suffers more than the guilty. In general, what would have been cause for such a separation in the spiritual courts, was sufficient, with them, for a divorce *a vinculo*.”†

*Dr. Ellis has objected to Hawthorne's great romance of *The Scarlet Letter*, that nothing in the history of the Colony justified him in portraying Hester Prynne wearing the letter A upon her breast as a badge of infamy. But in this volume we find Ruth Reed condemned to stand in the market-place in Boston, and to wear an advertisement tenfold worse than that of Hawthorne's heroine. This was in March, 1673. From 1640 to 1673, the records of this court are lost.

†Hutchinson's *History of Massachusetts*, vol. 1, p. 393.

How Mr. Bancroft could overlook the distinction between separations from bed and board and divorces from the bond of matrimony—or, how he could infer from this passage that absolute divorces were unknown here—I cannot understand : yet it was probably this passage in Hutchinson which suggested the following in Bancroft :—"Of divorce I have found no example ; yet a clause in one of the statutes recognizes the possibility of such an event. Divorce from bed and board, the separate maintenance without the dissolution of the marriage contract,—an anomaly in Protestant legislation, that punishes the innocent more than the guilty,—was abhorrent from their principles."*

In the docket of the Massachusetts court of assistants, to which I have referred, eighteen cases are recorded without regard to formality.†

One of the first acts passed by the general court of Massachusetts, under the Province

*For a fuller exposure of errors in Bancroft's History of the United States, Centenary Edition, vol. 1, p. 374; Palfrey's History of New England, vol. 2, p. 17; Arnold's History of Rhode Island, vol. 2, p. 175; Woolsey's Essay on Divorce and Divorce Legislation, p. 183; and in The New-Englander, for July, 1868, p. 438;—see the author's pamphlet entitled "Our Divorce Courts &c."

†The pamphlet, entitled "Our Divorce Courts" &c., contains an account of all these cases, and also of the early New York, Rhode Island and Connecticut cases.

Charter of 1692, provided that "all controversies concerning marriage and divorce shall be heard and determined by the Governor and Council." Under this law divorces continued to be granted from year to year until the Revolution.* William and Mary were on the throne when this act was allowed. Archbishop Tenison was then Primate, and Lord Chancellor Somers, (one of Lord Macaulay's heroes,) was President of the Council.

The Colony of New Haven was almost as unfortunate as Massachusetts Bay in respect to her records. From April, 1644, to May, 1653, these records are lost. I have had no access to the dockets of the early courts of Connecticut, but in Trumbull's Public Records of that Colony I find eleven divorces.†

While the Colony of New York was held by the Dutch, the liberal divorce laws of Holland, of course, prevailed; and an examination of the dockets of her courts during that period may yield as many cases of this class as these early Massachusetts records.

*See the cases in Cowley's *Famous Divorces of All Ages*, pp. 271-275. This law, however, did not prevent the general court itself from granting divorces, as the records of the Province in several cases attest.

†Connecticut Colony Records, Trumbull. vol. 1, pp. 275, 301, 363, 379; vol. 2, pp. 129, 292, 293, 322, 326, 327, 328; vol. 3, p. 23; vol. 4, p. 59.

The "Historical Manuscripts" in the office of the Secretary of State at Albany, endorsed "1630-1664: Dutch: Part I," contain, at least, three cases;* and the records of the Patroons' courts may contain others.

For the period between the English conquest of that colony and the Revolution of 1776 the Historical Manuscripts in the same office, endorsed "English Documents: 1664-1776," contain evidence of curious interest.†

Among the circumstances which combined to render the practice of divorce acceptable, were—the general rejection of the sacramental view of marriage; the solemnization of marriages by civil magistrates rather than by clergymen; the frequent coming to the Colonies of men who had "left their wives at home;" the great practical difficulty of living here and carrying on agricultural pursuits without wives, and the necessity of affording to enterprizing men and worthy women an opportunity to reconstruct their domestic relations, and take a new departure on the voyage of life.

*Vol. 6, p. 49; vol. 8, pp. 415, 417, 419.

†See vol. 23, pp. 269, 390; vol. 25, pp. 84, 85. President Woolsey's Essay, (p. 190,) requires correction, as to both the Dutch and the English periods.

CHAPTER XII.

Law of Privilege in Civil Courts and Courts-Martial—Commander Seely's Trial—Brief for the Accused.

There have been few leaves in my life as a Massachusetts lawyer, which would naturally find a place in the same volume with my naval reminiscences. As counsel for the Grand Lodge of St. Crispin, I had the satisfaction to contend with success for their right to a place among the corporate bodies of the State,* as well as their right to collect debts by legal process, in spite of the cry that it was against public policy. With still greater satisfaction do I recall the part I have taken in restricting, by penal law, the hours of labor of women and children in the factories to ten hours a day. Massachusetts, which is generally so forward in meas-

*See Act to incorporate the Massachusetts Grand Lodge of the Knights of St. Crispin, chapter 281 of the Acts of 1870. *Snow et al. v. Wheeler et al.*, 113 Mass. 179.

ures of reform, was many years behind England in the passage of this beneficent law;—but she is now moving to secure similar enactments in other States.* Other just and beneficent measures, I have labored for, with no barren result; but I will make no further note of them here.

I shall close this volume with a brief record of two cases, in which I have been personally concerned;—one involving the law of Privilege, applicable alike to civil courts and to courts-martial;—the other a trial by a Naval General Court-Martial.

In preparing for the argument of the question of privilege, I was surprised to find that, instead of having been elucidated by the decisions of the courts in which it has so often arisen, it has been reduced to an almost unintelligible jargon by the conflicting crotchetts of different judges. As the result of my inquiries, I submit the following four propositions as a correct definition of the law of privilege

I. Where an advocate, a party, or a witness, is charged with false and defamatory utterances

*See Act to regulate the Hours of Labor in Manufacturing Establishments, chapter 221 of the Acts of 1874, amended by chap. 207 of the Acts of 1879. See, also, chap. 37 of the Resolves of 1879.

For a striking illustration of the abuses which were formerly tolerated, see Cowley's *Reminiscences of James C. Ayer*, pp. 14-16.

in the course of judicial proceedings; if the words used were pertinent to the matter in issue, and were uttered without the knowledge, or the belief, that they were false, they are privileged. *Revis v. Smith*, 18 Common Bench, 126. *Henderson v. Broomhead*, 4 Hurlston & Norman, 569.

2. Where defamatory utterances are made in good faith, in the belief that they are pertinent, and in the belief that they are true, they are privileged; although in fact they are not pertinent to the matter in issue, and although in fact they are not true. And if not so made, they are actionable. *Watson v. Mower* 11 Vermont 542, cited and approved in *Hoar v. Wood*, 3 Metcalf, 193. *Kidder v. Parkhurst*, 3 Allen, 393. *Newfield v. Cofferman*, 15 Abbott, Pr. N. S. 360. *White v. Carol*, 42 N. Y., 161. *White v. Nicholls*, 3 Howard U. S. 267. *Seaman v. Netherclift*, L. R. 1 C. P. D. 540. *Hodgson v. Scarlett*, 1 Barnewell & Alderson 241.

If this were otherwise, a man might be mulcted in damages, merely for an error of opinion on a doubtful question of law. Greater privilege than this could not safely be claimed by a judge, upon trial before the Senate upon articles of impeachment containing the matters here set forth.

Upon this ground, the decisions of several cases may be sustained, in which the courts seemed to hold that the privilege of parties, counsel and witnesses was absolute. *Astley v. Young*, 2 Burrows, 809; and *Kennedy v. Hilliard*, 10 Irish Common Law, 195, where this "absolutist" doctrine is strikingly qualified by Mr. Justice Fitzgerald.

3. Where an advocate, a party, or a witness, utters defamatory words, which he knows to be false, and which he utters maliciously, with intent to injure another, such words are not privileged, although they are uttered upon a privileged occasion, and although they may relate to the matter in controversy. Every such utterance is made in abuse of his privilege; and a wilful lie can never be justified as pertinent to any issue whatever. *White v. Nicholls*, 3 Howard U. S. 267. *Marsh v. Ellsworth*, 1 Sweeney, 52. *Smith v. Howard*, 28 Iowa, 51. *Calkins v. Sumner*, 13 Wisconsin, 193.*

4. Where an advocate, a party, or a witness, confederates with others in a scheme of fraud or defamation, and does any thing in aid of such a scheme, he is liable in an action of conspiracy for the damages caused thereby. See *Fitzjohn v. Mackinder*, 9 C. B. (N. S.) 506-534.

*These cases are referred to for illustration, not as entirely supporting the text.

Among the English cases relating to the law of Privilege, in proceedings before military and naval courts, as well as before civil tribunals, the most valuable is that brought by Colonel Dawkins against General Lord Rokeby, 7 *House of Lords Cases*, 755.

In 1869, the Pawnee, one of the most valuable vessels of Admiral Dahlgren's squadron, returned from a cruise in the South Atlantic. Shortly before her arrival at Portsmouth, her paymaster was robbed, and a liberal reward offered for the detection of the thieves. The master-at-arms, stimulated by this offer, proceeded to play, at once, the part of a detective, and of a tyrant, but without the knowledge—so far as it appeared—of any of his superior officers. He actually “triced up” three of the crew by the wrists, in direct violation of law, with the view to induce them to confess the theft.

It was, of course, expected that Captain Clitz, who then commanded the Pawnee, would be brought to trial, not for causing these punishments to be inflicted, (for he probably had no personal knowledge that they had been inflicted,) but for not using such diligence as would have prevented them. But this was not done; neither were any of his officers, with one exception, held amenable to discipline in not preventing these illegal inflictions.

The executive officer, however, (Mr. Seely,) for no other reason than that he was the executive officer, was brought to trial, and convicted of neglect of duty in not preventing these illegal punishments.

The men aggrieved having applied to me, I advised that they ask for an investigation. But that investigation failed to fasten any knowledge of, or participation in, these irregularities, upon any officer, or petty officer, except the master-at-arms. Being convinced that Commander Seely was wholly innocent, and the men who had applied to me for counsel, being also convinced of his innocence, I assisted him professionally in his defence.

For the neglect already mentioned, and not upon any other finding, the Naval General Court-Martial suspended the accused from duty for one year.

If the accused was really responsible in the premises, this sentence was not unreasonable. But other cases of illegal punishment in other vessels were then fresh in the public mind, and it was urged that an example should be made. The Court was reconvened, and rebuked for not having imposed a severer sentence.

Under these circumstances, and under the influence of Mr. Bolles, who was sent to as-

sist the Court in revising its sentence, the accused was sentenced to suspension from *rank and duty* for four years. A part of this sentence was afterwards remitted by Secretary Robeson ; but in the meantime, several officers junior to Commander Seely passed over him in the Navy Register.

As this case has led to the passage of an act of Congress, and also to the promulgation of a departmental order, designed to prevent some of the points made in my brief in this case from arising again, I deem it of sufficient interest to those who may peruse this book, to append this brief hereto. I will only add that, in my judgment, Commander Seely has suffered great injustice in this case ;—that he is a very kind-hearted and highly meritorious officer, who would scorn to inflict any cruelty whatever upon men under his command ; and that either the Department or Congress ought to grant his request.

Here is an apt illustration of the injustice incident to sentences to suspension from rank for a particular time. Had Mr. Seely stood fifteen numbers lower on the Register, his rank would not have been affected by this sentence. If an officer's rank is to be affected at all, the sentence should specify how many numbers he is to lose. Nothing should be left to chance.

Points and Authorities in support of the request of Commander Henry B. Seely to be restored to his original position on the Navy Register.

1. It is submitted that the proceedings of the Naval General Court-Martial, upon whose sentence Commander Seely was suspended from his rank, were null and void, because that court consisted of seven members only, when thirteen might have been assembled without injury to the service. Mr. Solicitor Bolles admits that where a sentence is void, it must be set aside, although it may have been approved by the President; and such is unquestionably the law. Even where the sentence is not void, if it is clearly shown to be contrary to the justice of the case, it should be set aside by Congress, though previously approved by the President. See the cases of Surgeon-General Hammond and Major-General Fitz-John Porter.

2. Attorney-General Wirt, giving an opinion touching a similar court, said, it "was not a legal court if thirteen could have been convened without manifest injury to the service." 1 Opinions of Attorney-General, 299. On page 300 of the same volume, he adds, "It is difficult to conceive an emergency in time of peace so pressing as to disable the General Officer ordering the Court from convening thirteen commissioned officers on a trial of life and death, without manifest injury to the service. And if a smaller number act without such emergency, I repeat, that they are not a lawful court."

3. It is a fact of public history, well known to the Department and to the Court, that the United States were at peace with all the world in 1869, and had more commissioned officers in the Navy than the exigencies of the service then required. At no time in our national history, could thirteen commissioned officers have been con-

vened upon a General Court-Martial, with less inconvenience to themselves or less detriment to the service. Several such officers, not members of the court, nor witnesses on either side, were actually present as spectators during the proceedings in open court.

4. With the knowledge that there was then no emergency to prevent the assembling of thirteen officers, the Secretary of the Navy could not,—and therefore he did not,—certify to the court, in his order convening it, or in any subsequent communication thereto, that a greater number could not be convened without injury to the service.

5. "When a General Court-Martial is originally constituted with less than thirteen members, an omission to add in the order convening it, a statement to the effect that no officers other than those named can be assembled without manifest injury to the service, is fatal to the validity of the proceedings." Opinions of the Judge Advocate General, XL. 208. Winthrop's Digest, 22, 267.

6. In conformity with this view, section 142 of the "Orders, Regulations and Instructions for the Administration of Law and Justice in the U. S. Navy," issued in 1870, (the year succeeding this trial,) provides that such a statement shall always be added to the order convening a General Court-Martial, and says, "it is to be regarded as an essential part of such order as showing that the requirements of the statute relating to both number and rank have been complied with as far as the interests of the service would allow."

7. Judge-Advocate General Holt holds, with Attorney General Wirt, that this is "an essential part of the order." In the case of William Campbell, Acting Second Assistant Engineer, U. S. S. "Dai Ching," S. A. B. Squadron, in 1864, the sentence of a Naval General Court-Martial was declared by Secretary Welles to be "null and without any effect," because "the court was composed

of five acting members and one supernumerary member." Although the Admiral who convened the court had certified that a greater number of officers could not be convened without injury to the service, Secretary Welles held that the presence of a supernumerary member showed that at least one more could have been convened, and said, "a supernumerary member can be ordered only when the court is composed of thirteen acting members."

8. The opinions cited by Solicitor Bolles merely repeat what the Supreme Court decided in *Martin v. M'Ginnis*, 12 Wheaton, 16. The order convening the Court in that case contained the statement that a greater number of officers could not be convened without injury to the service, and also stated the reason why no greater number could be so convened. It was rightly held that the decision of the convening officer touching the sufficiency of that reason, was final. Of this there can be no doubt. But in Commander Seely's case the Secretary did not so certify, and could not so certify, in the face of public facts.

9. With respect to all courts of special jurisdiction, the rule is, that every fact necessary to give jurisdiction must appear upon the face of the record—and the omission of the statement above mentioned in the order convening the court, renders all its proceedings void as *coram non judice*; the fact being that a full number of officers, or a number greater than seven, might have been convened without injury to the service. As to this rule see *Kemp vs. Kennedy*, 5 Cranch, 172. *State vs. Richmond*, 26 N. H., 232; *Damp vs. Dane*, 29 Wisconsin, 419; *State vs. Berry*, 12 Iowa, 58 and cases there cited; *Kansas City, Missouri and Council Bluffs R. R. Co. vs. Campbell Nelson & Co.*, 26 Mo. 584 and 288. The court in this last case says,—"This is a jurisdictional fact, and without it is apparent on the record, the court whose aid is sought,

whether possessing special or general jurisdiction, is powerless to take any valid step in the premises."

See decisions of the highest courts of different States collected in United States Digest, First Series, vol. 4, title, Courts, sec. 352, p. 69.

10. "Objections to the jurisdiction may be taken at any time before or even after judgment. *Elder vs. Dwight Manuf'g Co.*, 4 Gray, (Mass.) 204; *Carey vs. Daniels*, 5 Metcalf, (Mass.) 236; *Jordan vs. Dennis*, 7 Metcalf, (Mass.) 590.

11. Many palpable irregularities marked the proceedings of this court, and appear on many pages of the record. On page 165, (for example,) where the "new sentence" is recorded, it does not appear whether the "new sentence" was imposed in lieu of the former sentence or in addition thereto. If it was imposed as an additional sentence, it was void, since the court could impose but one sentence. There being two sentences of record, and it not appearing affirmatively that the latter was imposed as a substitute for the former, both are void.

12. It is not the Executive officer, but the Commanding officer of a ship, who is responsible for the discipline of the ship. The Executive officer is merely his aide. Section 1469 of the Revised Statutes, (Title xv, Chapter 4,) is a declaratory enactment, which merely formalates the law as it existed before. There being no evidence that the accused had any knowledge of, or participation in, the illegal punishment, he should have been acquitted.

13. It appears from the order of the Secretary reconvening the Court, and from the report of Solicitor Bolles on this case, that both those officers failed to distinguish between cruel punishment "*inflicted*" by order of the accused, (of which there is no proof whatever in the record,) and cruel punishment *not prevented* by him,

and not even known to him. The case was merely this: cruel punishment having been inflicted, the Executive Officer—not the Captain—was held guilty in not discovering and preventing it.

14. The failure of the Secretary thus to distinguish between acts ordered, and acts done which by greater vigilance the accused might have prevented, was the cause of the reconvening of the Court.

15. It was upon the reconvening of the Court that the absence of the full number of Line Officers was most prejudicial to the accused. The question, what punishment should be imposed upon the Executive Officer of a ship, (the Commanding Officer not being brought to trial at all, though chargeable with the same omission as the accused,) for not using more vigilance to anticipate, discover and prevent a violation of law, was pre-eminently a question for Sea Officers, for those who had seen the parties and had heard all their evidence, and who were experienced in such duties. The first sentence shows what seven Line Officers, all of whom had repeatedly held commands, regarded as a proper punishment when the facts were fresh in their minds.

16. But when the Court reassembled, when the Secretary's letter ignoring the important distinction above referred to, was read to them, and when a civilian officer, who likewise ignored that necessary distinction, was introduced to "assist the Court in its deliberations," it was no difficult matter (in perhaps a divided Court) to sway four officers out of seven by suggestions and influences which would have been ineffectual to carry seven out of thirteen.

17. This requirement of the law touching the number of members is a most judicious one. Officers require help from deliberation with their associates, and especially when the accused is sought to be punished as if

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he had done actively and wilfully, what the evidence shows he only *did not prevent*, having no reason to apprehend its occurrence.

18. For what purpose was Mr. Bolles superimposed upon the Court but to influence its action and procure a sentence adequate to offences which he regarded (as he says in his report) as "heinous, monstrous, horrible," but which the record shows to have been merely a neglect to exercise extraordinary vigilance? He was not, as he says, "the Judge Advocate at the trial." There was a Judge Advocate, and an Associate Judge Advocate, (an officer unknown to the Law,) at the trial, and they were both present when the Court reassembled. By what authority was Mr. Bolles introduced as a Special Judge Advocate?" There is no authority for imposing such an officer upon the Court.

19. Mr. Bolles' order shows that he was sent to the Court to "assist in its deliberations." There can be no doubt that he obeyed that order. What suggestions he made the record does not show. But it would be unjust to him to assume that he sat in Court in silence, when his orders were to "assist." But any influence exerted in a closed Court was irregular. He oughtn't to have been present at all.

20. "As he has no vote, he [the Judge Advocate] is not entitled to meddle with the sentence." O'Brien, 283. "When the Court is passing sentence, there can be no doubt, the Judge Advocate ought not to interpose his opinion. On this point all writers are agreed." O'Brien, 284.

21. Mr. Bolles says, "When the Court met to consider its sentence, it had no open session at which the accused was or rightfully could be present:"—thence he infers that he was properly added to the Court, and sworn in the *absence* of the accused. But it is submitted that the fact, that the Court had "no open session at which the

accused could be present," is a sufficient reason (were there no other) why no one could be present except the members of the Court, and the Judge Advocate, who had been sworn as such at the trial in presence of the accused.

22. No new member can be added to a closed Court, nor can its members permit any one to be present when voting upon the sentence, (except themselves and the Judge Advocate,) without violating their oath not to disclose the sentence or the vote or opinion of any member.

23. It is submitted, finally, that the presence of Mr. Bolles, with such orders, in a closed Naval General Court-Martial, was unprecedented, irregular, improper and unlawful; that a sentence obtained under such circumstances is null and void, and should be set aside, just as a verdict would be set aside because of the presence with the jury of any third person, even though he were the presiding Judge of the Court to which that verdict must be returned.



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